

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 25, 1959, at 4 o'clock p.m., with Mayor Smith presiding, and Council members Albea, Baxter, Brown, Dellinger, Evans, Foard and Wilkinson being present.

ABSENT: None

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Brown, seconded by Councilwoman Evans, and unanimously carried, the Minutes of the last meeting on February 18th were approved as submitted.

ORDINANCE NO. 538-X EXTENDING CORPORATE LIMITS OF THE CITY OF CHARLOTTE BY ANNEXING THERETO 100.78 ACRES OF PROPERTY LOCATED IN BERRYHILL TOWNSHIP ON PETITION OF ERVIN CONSTRUCTION COMPANY, INC. ADOPTED.

The hearing was held in connection with the petition of Ervin Construction Company, Inc., for the annexation to the City of Charlotte of 100.78 acres of property located in Berryhill Township. No objections to the proposed annexation were expressed by the public. Thereupon, Councilman Albea moved the adoption of Ordinance No. 538-X Extending the Corporate Limits of the City of Charlotte by Annexing thereto 100.78 Acres of Property Located in Berryhill Township. The motion was seconded by Councilman Foard and unanimously carried. The ordinance is recorded in full in Ordinance Book 12, beginning at Page 317.

REQUEST BY FRED GODLEY THAT VIOLATION OF PLUMBING CODE IN CONSTRUCTION OF PLANT ON MOUNT HOLLY ROAD, IN PERIMETER AREA, BE WAIVED.

Mr. Charles Henderson, Attorney, representing Mr. Fred Godley, appeared before Council and requested that the unintentional violation of the City's Plumbing Code in a plant being constructed by his client on Mount Holly Road, in the perimeter area, be waived, and he be permitted to connect to the City's Water System.

Mr. Henderson stated that Mr. Godley had instructed the Plumber installing the plumbing to follow the Code, and he had complied with the County Plumbing Code instead of the City Code which applies in the perimeter area in which the building is located. That the violation consists of the use of standard water pipe instead of heavy-duty cast iron water pipe; he stated further that the 60,000 square feet of concrete flooring has been laid and it will cost Mr. Godley \$2,000.00 to tear up the flooring to relay the pipe required under the City Code, and will also deface their \$300,000.00 building. Mr. Henderson stressed that it was an honest mistake and will work a hardship on his client to correct it, and that the City Health Department has stated the pipe as laid will in no way create a health menace. It was brought out that the error was detected by a City Plumbing Inspector by chance when he was endeavoring to locate another building under construction in the area. Mr. Henderson stated there are other minor violations of the City Code in the plumbing installed, which they will gladly correct.

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Mr. R. H. Haley, City Plumbing Inspector, stated the fact is that only the floor drain in the building complies with the City Plumbing Code, and he does not recommend the use of pipe other than that which meets the Code requirements. Mr. Yancey, City Manager, stated the extra heavy duty water pipe has been required under the City's Plumbing Code for the past 20 years; that the standard pipe used in Mr. Godley's building is uneven and is not satisfactory nor acceptable and if it is left in the building, the City cannot supply him with water at anytime.

Following the discussion, Councilman Foard moved that action on the request be deferred for one week. The motion lost for lack of a second.

Councilman Wilkinson then moved that the provisions of the City Code be complied with by Mr. Godley. The motion was seconded by Councilwoman Evans, and unanimously carried.

ORDINANCE NO. 540 AMENDING CHAPTER 19, ARTICLE I, SECTION 10 OF THE CITY CODE, BY MAKING IT UNLAWFUL TO CREATE A DISTURBANCE AT PUBLIC MEETINGS AND ATHLETIC CONTESTS.

An ordinance entitled: "Ordinance No. 540 Amending Chapter 19, Article I, Section 10 of the City Code, by Making it Unlawful to Create a Disturbance at Public Meetings and Athletic Contests" was introduced by Councilman Baxter, and following the reading thereof he moved its adoption. The motion was seconded by Councilwoman Evans, and unanimously carried. The ordinance is recorded in full in Ordinance Book 12, at Page 319.

AMENDMENTS TO BILL ESTABLISHING PROCEDURES OF CITY RECORDER'S COURT TO BE STUDIED WHEN RECEIVED FROM REPRESENTATIVE FRANK SNEPP BEFORE ACTION TAKEN BY COUNCIL.

Councilman Baxter brought up the matter of the suggested amendments to a Bill Establishing Procedures of the City Recorder's Court proposed by Representative Frank Snapp. Councilman Albea stated he thinks it should be studied and discussed and action taken after the Amendments are received and not prior thereto. The Council concurred in his suggestion.

PROPOSAL OF STATE HIGHWAY COMMISSION FOR WIDENING OF ROZZELLS FERRY ROAD, HUTCHINSON AVENUE AND BEATTIES FORD ROAD ACCEPTED AND CITY ENGINEER INSTRUCTED TO PROCEED IMMEDIATELY WITH GETTING PROJECTS COMPLETED WITHIN CITY LIMITS.

Councilman Dellinger moved that the proposal of the State Highway Commission for the widening of Rozzells Ferry Road to 51-feet, Hutchinson Avenue to 45-feet and Beatties Ford Road to 45-feet be accepted, and that the City Engineer be instructed to proceed immediately with plans for getting these projects completed within the city limits at the earliest date possible. The motion was seconded by Councilman Wilkinson, and unanimously carried.

COUNCIL MEETING ON MARCH 4TH DISPENSED WITH DUE TO MEETING OF N. C. GENERAL ASSEMBLY IN CHARLOTTE.

Councilman Brown stated that in view of the meeting of the N.C. General Assembly in Charlotte on Wednesday, March 4th and the Council members being invited by the Chamber of Commerce to participate in the day long activities planned for their entertainment, that it would be well to dispense with the Council Meeting on that date, and he so moved. The motion was seconded by Councilman Baxter, and unanimously carried.

EXPRESSION OF PLEASURE OF COUNCIL TO THE ANTICIPATED VISIT ON MARCH 4TH OF N. C. GENERAL ASSEMBLY.

Councilman Baxter moved that a letter be sent to the North Carolina General Assembly expressing the pleasure of the City Council at their anticipated visit to Charlotte on March 4th. The motion was seconded by Councilman Brown, and unanimously carried.

CITY MANAGER REQUESTED TO INVESTIGATE ADVISABILITY OF ERECTING TRAFFIC SIGNAL AT 32ND STREET AND NORTH TRYON STREET RATHER THAN KEEPING PATROLMAN ON DUTY DURING PEAK TRAFFIC HOURS.

Councilman Brown moved that the City Manager investigate the advisability of installing a traffic signal at 32nd and N. Tryon Street, at the Western Electric Building and Ervin-Allison Company, as compared to the present practice of keeping a Patrolman on duty at this point during peak traffic hours. The motion was seconded by Councilman Albea, and unanimously carried.

EXPRESSIONS OF SYMPATHY OF COUNCIL TO BE SENT FAMILIES OF HARVEY W. MOORE, FORMER MAYOR OF CHARLOTTE AND OF THOMAS J. RAVELLE, SUPT. OF THE CITY'S PET DEPARTMENT.

Councilwoman Evans moved that the Council express its sympathy to the widow of Mr. Harvey W. Moore, former Mayor of Charlotte, and to the daughter of Mr. Thomas J. Ravelle, Supt. of the City Pet Department, both of whom were deceased this week. The motion was seconded by Councilman Baxter, and unanimously carried.

CONTRACT AWARDED SECURITY-COLUMBIAN BANKNOTE COMPANY FOR PREPARING \$5,785,000 BONDS IN BOND BOOK FORM.

Upon motion of Councilman Albea, seconded by Councilman Foard, and unanimously carried, contract was awarded the low bidder, Security-Columbian Banknote Company, New York, for preparing \$5,785,000 City of Charlotte Bonds in Bond Book Form, as specified, f. o. b. New York, at a price of \$1,490.00, subject to an increase of \$15.00 for each additional interest rate with each issue, with 3% sales tax to be added. The motion was seconded by Councilman Foard, and unanimously carried.

All bids received are as follows:

Security-Columbian Banknote Company	\$1,490.00
With additional charge for each rate change per issued \$15.00 in Book Form	
Northern Bank Note Company	\$1,539.00
With additional charge for each rate change per issue \$15.00 in Book Form.	
American Bank Note Company	\$2,008.00
With additional charge for each rate change per issue \$15.00 in Wing Form.	

CONTRACT AUTHORIZED WITH DUKE POWER COMPANY FOR FURNISHING POWER TO HEALTH CENTER.

Councilman Brown moved approval of a contract with Duke Power Company for furnishing Power to the new Health Center Building. The motion was seconded by Councilman Dellinger, and unanimously carried.

RESOLUTIONS PROVIDING FOR THE ISSUANCE OF \$5,785,000 CITY OF CHARLOTTE BONDS AND RESOLUTION FIXING THE FORM AND MANNER OF EXECUTION OF THE BONDS TO BE ISSUED UNDER DATE OF APRIL 1, 1959 AND PROVIDING FOR THE REGISTRATION THEREOF AND RESOLUTION RATIFYING APPLICATION OF CITY TREASURER TO LOCAL GOVERNMENT COMMISSION FOR THE ADVERTISEMENT AND SALE OF THE BONDS TO BE ISSUED UNDER DATE OF APRIL 1, 1959 AND RATIFYING ACTION OF LOCAL GOVERNMENT COMMISSION IN ASKING FOR SEALED BIDS FOR SAID BONDS.

A resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF \$1,301,000 WATER BONDS" was introduced by Councilman Albea, which was read. Upon motion of Councilman Albea, seconded by Councilwoman Evans, the resolution was passed on the following vote:

YEAS: Council members Albea, Baxter, Brown, Dellinger, Evans, Foard and Wilkinson.

NAYS: None

A resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF \$750,000 WATER BONDS, SERIES B" was introduced by Councilman Albea, which was read. Upon motion of Councilman Albea, seconded by Councilwoman Evans, the resolution was passed on the following vote:

YEAS: Council members Albea, Baxter, Brown, Dellinger, Evans, Foard and Wilkinson.

NAYS: None

A resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF \$2,000,000 SANITARY SEWER BONDS, SERIES A" was introduced by Councilman Albea, which was read. Upon motion of Councilman Albea, seconded by Councilwoman Evans, the resolution was passed on the following vote:

YEAS: Council members Albea, Baxter, Brown, Dellinger, Evans, Foard and Wilkinson.

NAYS: None

A resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF \$1,500,000 HOSPITAL BONDS, SERIES B" was introduced by Councilman Albea, which was read. Upon motion of Councilman Albea, seconded by Councilwoman Evans, the resolution was passed on the following vote:

YEAS: Council members Albea, Baxter, Brown, Dellinger, Evans, Foard and Wilkinson.

NAYS: None

A resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF \$134,000 FIRE ALARM SYSTEM BONDS", was introduced by Councilman Albea, which was read. Upon motion of Councilman Albea, seconded by Councilwoman Evans, the resolution was passed on the following vote:

YEAS: Council members Albea, Baxter, Brown, Dellinger, Evans, Foard and Wilkinson.

NAYS: None

A resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF \$100,000 PUBLIC HEALTH CENTER BONDS" was introduced by Councilman Albea, which was read. Upon motion of Councilman Albea, seconded by Councilwoman Evans, the resolution passed on the following vote:

YEAS: Council members Albea, Baxter, Brown, Dellinger, Evans, Foard and Wilkinson.

NAYS: None

A resolution entitled: "RESOLUTION FIXING THE FORM AND MANNER OF EXECUTION OF \$5,785,000 BONDS TO BE ISSUED UNDER DATE OF APRIL 1, 1959 AND PROVIDING FOR THE REGISTRATION THEREOF" was introduced by Councilman Albea, which was read. Upon motion of Councilman Albea, seconded by Councilwoman Evans, the resolution was passed on the following vote:

YEAS: Council members Albea, Baxter, Brown, Dellinger, Evans, Foard and Wilkinson.

NAYS: None

A resolution entitled: "RESOLUTION RATIFYING APPLICATION OF CITY TREASURER TO LOCAL GOVERNMENT COMMISSION FOR THE ADVERTISEMENT AND SALE OF \$5,785,000 BONDS TO BE ISSUED UNDER DATE OF APRIL 1, 1959 AND RATIFYING ACTION OF LOCAL GOVERNMENT COMMISSION IN ASKING FOR SEALED BIDS FOR SAID BONDS" was introduced by Councilman Albea, which was read. Upon motion of Councilman Albea, seconded by Councilwoman Evans, the resolution was passed on the following vote:

YEAS: Council members Albea, Baxter, Brown, Dellinger, Evans, Foard and Wilkinson.

NAYS: None

The resolutions are recorded in full in Resolutions Book 3, beginning at Page 309 and ending at Page 323.

ORDINANCE NO. 526 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF THE PERIMETER AREA BY CHANGING PROPERTY ON THE NORTH SIDE OF US-29 BYPASS, EAST OF LITTLE ROCK ROAD, FROM RURAL TO B-1, ON PETITION OF H. C. AND MILDRED DAVIS, DENIED.

Upon motion of Councilman Albea, seconded by Councilwoman Evans, and unanimously carried, Ordinance No. 526 Amending Chapter 21, Article II, Section 5 of the City Code amending the Building Zone Map of the Perimeter Area by changing property on the north side of US 29-Bypass, from Rural to B-1, on petition of H. C. and Mildred Davis, was denied, as recommended by the Planning Board.

ORDINANCE NO. 529 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF THE CITY 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, ADOPTED.

Councilman Foard moved the adoption of Ordinance No. 528 Amending Chapter 21, Article I, Section 2 of the City Code, changing property at the SW corner of Shorter Avenue and Independence Boulevard, from R-2 to B-1, on petition of Spangler Construction Company, as recommended by the Planning Board. The motion was seconded by Councilman Baxter, and unanimously carried. The ordinance is recorded in full in Ordinance Book 12, at Page 320.

ORDINANCE NO. 530 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE OF THE CITY OF CHARLOTTE AMENDING THE BUILDING ZONE MAP OF THE PERIMETER AREA BY CHANGING PROPERTY AT THE NW CORNER OF SHAMROCK ROAD AND POTTERS ROAD, FROM R-2 to B-1, ON PETITION OF H.H. BAUCOM, DEFERRED UNTIL MARCH 25TH AT REQUEST OF PLANNING BOARD.

Upon motion of Councilman Wilkinson, seconded by Councilman Albea, and unanimously carried, Ordinance No. 530 Amending Chapter 21, Article II, Section 5 of the City Code amending the Building Zone Map of the Perimeter Area by changing property at the NW corner of Shamrock and Potters Roads,

from R-2 to B-1, on petition of Mr. H. H. Baucom, was deferred until March 25th at the request of the Planning Board to permit their further study of the matter.

RESOLUTION FIXING DATE OF PUBLIC HEARING ON MARCH 25TH ON PETITION OF EASTHAVEN DEVELOPMENT CORPORATION, D. E. ALLEN, PRESIDENT, FOR THE ANNEXATION OF 15.416 ACRES OF PROPERTY TO THE CITY OF CHARLOTTE, ADOPTED.

Upon motion of Councilman Baxter, seconded by Councilman Foard, and unanimously carried, a resolution entitled: "Resolution Fixing Date of Public Hearing on March 25th on Petition of Easthaven Development Corporation, D. E. Allen, President, for the annexation to the City of Charlotte of 15.416 Acres of property in Crab Orchard Township", was unanimously adopted, the City Manager having advised that the said Petition was filed by the petitioner on February 19th. The resolution is recorded in full in Resolutions Book 3, at Page 324.

#### CONSTRUCTION OF SANITARY SEWERS AUTHORIZED.

Motion was made by Councilman Dellinger, seconded by Councilman Brown, and unanimously carried, authorizing the construction of sanitary sewers at the following locations:

- (a) Construction of 2,014-feet of 8-inch sewer main in Churchhill Road, from trunk north to Melchor Avenue, in perimeter area, at an estimated cost of \$8,765.00, at request of Mr. R. B. Hanes, 4918 White Oak Road. \$50.60 per lot, to be paid by each family unit at time of connection, in addition to regular lateral fee.
- (b) Construction of 340-feet of 8-inch sanitary sewer main, in Main Street, from south of Torrence Street, thence north beyond Torrence Street, to serve 6-family units, at estimated cost of \$1,575.00. All costs to be borne by the City.

#### CONTRACTS AUTHORIZED WITH DUKE POWER COMPANY FOR INSTALLATION OF STREET LIGHTING ON KINGS DRIVE AND LISTER DRIVE.

Councilman Brown moved approval of contracts with the Duke Power Company for the installation of street lighting at the following locations, which motion was seconded by Councilman Baxter, and unanimously carried:

- (a) Installation of forty, 20,000 lumen mercury vapor street lights to be located on Kings Drive, between East Morehead Street and Independence Boulevard and in the area known as Charlottetown Shopping Center.
- (b) Installation of fifteen, 20,000 lumen mercury vapor lamps located on Lister Drive, between Brunswick Avenue and Hillside Drive.

#### SUPPLEMENTAL CONTRACT AUTHORIZED WITH SEABOARD AIRLINE RAILWAY FOR INSTALLATION OF THE EXTENSION OF THEIR TRACK TO SERVE HOSKINS FILTER PLANT.

Councilwoman Evans moved that the Mayor and City Clerk be authorized to execute a supplemental contract with the Seaboard Airline Railway Company for the installation of 1092-feet of track extension to serve the Hoskins Filter Plant. The motion was seconded by Councilman Brown, and unanimously carried.

## LEASE WITH TWO WAY RADIO SALES, INC. OF AIRPORT BUILDING #108 CONCLUDED.

The City Manager reported that a Lease has been concluded with the Two-Way Radio Sales, Inc., for the lease of Building #108 at Douglas Municipal Airport, for a period of one year from February 15th at a monthly rental of \$150.00.

## EXTENSION OF SICK LEAVE GRANTED J. B. FOWLER, STREET DEPARTMENT EMPLOYEE.

Motion was made by Councilman Albea, seconded by Councilman Brown, and unanimously carried, authorizing an extension of sick leave to March 31, 1959, to Mr. J. B. Fowler, Street Department employee.

## CONTRACT AWARDED BURROUGHS CORPORATION FOR WATER BILLING MACHINE.

Upon motion of Councilman Dellinger, seconded by Councilman Baxter, and unanimously carried, contract was awarded the only bidder, the Burroughs Corporation, for One Style #201700 Burroughs Water Billing Machine, as specified, at \$3,967.00, subject to cash discount of \$198.35, representing a net delivered price of \$3,768.65.

## CONTRACT AWARDED H. E. PENNIGAR COMPANY FOR CAST IRON SOIL PIPE.

Upon motion of Councilman Wilkinson, seconded by Councilman Baxter, and unanimously carried, contract was awarded the low bidder, H. E. Pennigar Company for 20,000 lin. feet 4" Single Hub Soil Pipe, 2,000-lin. feet. 4" Double Hub Soil Pipe, 200 lin. ft. 6" Single Hub soil pipe, 100 lin. ft. 6" Double Hub Soil pipe, 300 - 4" cast soil pipe 1/8 bends B&S, 300 - 4" cast iron soil pipe hubs (Charlotte Pipe & Foundry Co. #H-131), 12 - 6" soil pipe 1/8 bends B&S, and 6 - 6" soil pipe shortsweep bends B&S, at total bid of \$13,935.30., subject to cash discount of \$278.71, representing a net delivered price of \$13,656.59.

All net delivered bids received are as follows:

H. E. Pennigar Company	\$13,656.59
Hajoca Corporation	\$13,665.40
Atlas Supply Company	\$13,670.45
Horne-Wilson, Inc.	\$13,676.22
Harrill Supply Co.	\$13,688.95
Parnell-Martin Supply	\$13,689.27
Noland Company	\$13,697.75
Grinnell Company	\$13,830.97

## COUNCILMEN BROWN AND WILKINSON APPOINTED BY MAYOR TO COMMITTEE ON USAGE OF JUVENILE DIAGNOSTIC CENTER.

Mayor Smith appointed Councilmen Brown and Wilkinson to serve with the Committee appointed by the County Commissioners to spell out the usage to which the new Juvenile Diagnostic Center will be put.

## ADJOURNMENT.

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

  
Lillian R. Hoffman, City Clerk