

June 15, 1959
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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, June 15, 1959, at 3 o'clock p.m., with Chairman pro tem Babcock presiding and Councilmen Albea, Dellinger, Myers, Smith and Whittington being present.

ABSENT: Mayor Smith and Councilman Hitch.

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

ABSENT: Planning Board members Hanks, Hook, Marsh, Schwartz and Sibley, Chairman.

COUNCILMAN BABCOCK APPOINTED AS CHAIRMAN PRO TEM OF MEETING.

Upon motion of Councilman Smith, seconded by Councilman Myers, and unanimously carried, Councilman Babcock was appointed as Chairman pro tem of the meeting in the absence of both Mayor Smith and Mayor pro tem Hitch.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Myers and unanimously carried, the Minutes of the last meeting on June 8, 1959 were approved as submitted.

HEARING ON ORDINANCE NO. 576 AMENDING CHAPTER 21, ARTICLE II, SECTION 2 OF THE CITY CODE.

The public hearing was held on Ordinance No. 576 Amending the Zoning Ordinance to amend the Building Zone Map of the Perimeter Area by changing property adjoining the SAL Railway Industrial property north of Hoskins Road and west of Stewart Creek, from Rural to Industrial, on petition of Variety Enterprises, Inc.

Mr. McIntyre, Planning Director advised the property consists of 42 acres of undeveloped land, and the surrounding area is also open land with the exception of the Seaboard Railway's industrial property.

No objections to the proposed rezoning were expressed.

Council decision was deferred one week.

HEARING ON ORDINANCE NO. 571 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE.

The scheduled hearing was held on Ordinance No. 571 Amending the Zoning Ordinance to amend the Building Zone Map of the Perimeter Area by changing property on both sides of Hazel Street, south of Woodlawn Road, from Rural to Industrial, on petition of Mr. Frank Galinski.

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Factual information as to the property and surrounding area was given by the Planning Director.

No objection to the proposed change in zoning was expressed.

Council decision was deferred one week.

HEARING ON ORDINANCE NO. 572 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE.

The hearing was held on Ordinance No. 572 Amending the Zoning Ordinance to amend the Building Zone Map of the Perimeter Area by changing property on the NW corner of Cama Street and Heriot Avenue, from R-2 to B-1, on petition of Mr. Edward Dobkin.

Mr. McIntyre, Planning Director stated that the property in question consists of two lots, and he explained the zoning of the property and surrounding area.

Mr. DeWitt Currie, 309 Cama Street, presented a petition signed by 61 residents and land owners fronting on either Cama Street East or Heriot Avenue, the frontage proposed to be changed, and on York Road, the frontage immediately in the rear thereof, and by residents and land owners in the general vicinity opposing the change in zoning. Mr. Currie stated that most of the home owners are ex-service men wanting to reside in a quiet area; that Heriot Avenue now separates the present business area from the residential and they object to the encroachment of business closer.

The City Attorney asked if the petition contains the names of 20% of the property owners in front of and at the rear of the property in question, and Mr. Currie replied that it did and it comes within the 20% zoning rule.

Mrs. DeWitt Currie and Mr. Robert Bradham both spoke in opposition to the proposed zoning.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 573 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE.

The public hearing was held on Ordinance No. 573 Amending the Zoning Ordinance to amend the Building Zone Map of the Perimeter Area by changing property on the east side of York Road from Clanton Road, south 800 feet, from R-2 to Industrial, on petition of L. N. & W. T. Brown, et al.

Mr. McIntyre, Planning Director, explained the details of the property and the zoning of the area, and stated that the property is undeveloped, as is the land at the rear and the property across York Road is developed residentially.

Mr. David Craig, representing the petitioner stated the area contains 13 acres and it is zoned Industrial with the exception of the portion fronting on York Road, and with the removal of the present zoning restriction it will be a fine site for a large industrial development. He stated there are only a few such sites left around Charlotte, and it would attract a large industry as there is plenty of parking space. That York Road for the last several years is a business and industrial area, and the City Traffic Engineer has asked the State to widen the roadway to take care of the traffic needs. He advised that he has letters from the property owners across the street that they have no objections to the change in zone. He further advised that the property is adjacent to the railroad and adjoins the Pineville Industrial area.

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No objection to the proposed zoning was expressed.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 576 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE.

The scheduled hearing was held on Ordinance No. 574 Amending the Zoning Ordinance to amend the Building Zone Map of the Perimeter Area by changing property at 5100 Park Road (Block 1 of Selwyn Park) from R-2 to B-1, on petition of Coleman L. Vaughn and wife.

The property and surrounding area were explained by the Planning Director, who stated it consists of one lot 60' x 175' on the west side of Park Road between Courtland and Selwyn Avenue.

Mr. G. H. Jaeger, 1420 Courtland Road, stated he is President of the Selwyn Park Home Owners Association, and all of Selwyn Park is listed as residential property and their deeds so restricted and they wish it to remain that way, and there is sufficient business concerns close by to serve their needs.

Mr. Coleman Vaughn, petitioner stated the property is only 450 ft. from the Creek; that it is unsuitable for residential usage and wishes to sell it to be used for erecting a Drug Store and parking area.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 575 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE.

The hearing was held on Ordinance No. 575 Amending the Zoning Ordinance to amend the Building Zone Map of the Perimeter Area by changing property on the south side of Wilmont Road, west of the Southern Railway Crossline, from Rural to Industrial, on petition of John T. Godley and wife.

Factual information as to the property and surrounding area was presented by Mr. McIntyre, Planning Director, who advised that the property is 260' x 1000' in area and is vacant with the exception of two structures, and it is adjoined at the rear by a lake.

Mrs. R. W. Reavis, 3426 Wilmont Road filed a petition signed by a large number of residents and home owners in the 3300 block of Wilmont Road opposing the change in zoning. She stated they have owned their homes for some time and Mr. Godley, the petitioner just recently purchased the property in question for resale to enjoy a profit on the sale and they seriously object to changing a rural area into an industrial one. Mrs. Reavis stated further that the petition is signed by 100% of the property owners in front of and at the rear of the property involved.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 577 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE.

The public hearing was held on Ordinance No. 577 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte by changing property located at 2430-2436 Remount Avenue, from R-2 to Light Industrial, on petition of Clarence H. Foushee et al

Mr. McIntyre, Planning Director, presented detail information as to the property and surrounding area, stating the property in question is only two lots from the Southern Railway tracks, and is 280' x 210', facing a residential area.

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Councilman Whittington asked if this property does not adjoin the property rezoned by the Council a few weeks ago? Mr. McIntyre replied that it does.

Mrs. C. H. Foushee, wife of the petitioner, stated the area is so noisy that it is not suitable for residential purposes and will have to be developed for business.

No objections were expressed to the proposed rezoning.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 578 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE.

The scheduled hearing was held on Ordinance No. 578 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte by changing property on the west side of Camp Green Avenue, 143 feet south of Freedom Drive, from R-2 to B-1, on petition of P. B. Melton and wife.

Factual information as to the property and surrounding area was presented by the Planning Director, who stated this is a small piece of vacant property and is adjoined by a Service Station.

Mrs. D. D. Washam, Royston Road, stated she could not rightfully oppose this change in zoning in view of the change requested by Marsh Land Company on adjoining property, which if authorized will include the property in question. That Mr. Melton has assured her that there will be restrictions in his deed against the sale of alcoholic beverages.

Mr. Melton, the petitioner asked that his request be considered entirely separately from that of Marsh Land Company; that by the development of this property he will, in fact, be developing a city creek and the pros and cons of the Marsh Land Company property will not affect him.

Councilman Dellinger asked if Mr. Melton would be satisfied with a B I-A zoning, and Mr. Melton replied that would be entirely satisfactory.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 579 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE.

The public hearing was held on Ordinance No. 579 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte by changing property at the NE corner of West First Street and Elliott Street, from R-2 to B-1, on petition of Joe L. Church and wife.

Mr. McIntyre, Planning Director, explained the map of the area and the property in question, stating it consists of two small lots 100' x 137'.

No opposition to the proposed change was expressed.

Council decision was deferred for one week.

ORDINANCE NO. 580-X EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHARLOTTE BY ANNEXING 69.012 ACRES OF PROPERTY IN CRAB ORCHARD TOWNSHIP ON PETITION OF C. D. SPANGLER CONSTRUCTION COMPANY, ADOPTED.

The hearing was held on petition of C. D. Spangler Construction Company for the annexation of 69.012 acres of property to the City of Charlotte. No objections were expressed to the proposed annexation. Councilman Dellinger moved the adoption of Ordinance No. 580-X Extending the Corporate Limits of the City of Charlotte by Annexing 69.012 acres of property in Crab Orchard Township. The motion was seconded by Councilman Albea, and unanimously carried. The ordinance is recorded in full in Ordinance Book 12, at page 357.

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PETITION FOR THE REPLACEMENT OF THE TRAFFIC RESTRICTIONS ON BRANDYWINE AVENUE REFERRED TO TRAFFIC ENGINEER FOR RESTUDY AND RECOMMENDATION.

Mr. W. J. Elvin, 227 Brandywine Avenue, presented a petition signed by the residents of Brandywine Avenue and adjoining streets, Hillside Avenue, Chelsea Drive, Hassel Place and Willow Drive, urging that the traffic restrictions in effect on Brandywine Avenue from March 6th to June 11th be reinstated. Mr. Elvin said he understood that the Traffic Engineer was never in favor of the restriction, which was placed on the street by the City Manager, and furthermore that the Traffic Engineer has contained the consent of the State Highway Department to widen the street, which they definitely do not want. That the street is heavily populated and should be kept a quiet residential street with One-Way traffic from Park Road Shopping Area. Mr. Elvin pointed out that the logical route for the heavy traffic from the Park Road Shopping Area is via Woodlawn Avenue into Selwyn Avenue, which is more direct than via Brandywine.

Mr. F. D. McDonald, 311 Brandywine Avenue, stated there are only three houses on Woodlawn Road and it is certainly the logical route for the heavy traffic and the opening into Selwyn Avenue is clear, whereas that at Brandywine is not. He urged that the restrictions for One-Way traffic from Park Road Shopping Area be replaced and the "No Through Traffic" signs be restored.

Mr. Yates McConnell, resident of Brandywine Avenue concurred in the request of Mr. McDonald.

Mr. Herman Hoose, Traffic Engineer, stated he was not in agreement that Brandywine Avenue should be made a One-Way Street and is still of the same opinion as the traffic does not justify it.

Councilman Smith moved that Mr. Hoose study the request of the replacement of the restrictions and make a report to Council of his findings and recommendations. The motion was seconded by Councilman Whittington, and carried, with the votes cast as follows:

YEAS: Councilmen Albea, Myers, Smith and Whittington.

NAYS: Councilman Dellinger.

CITY ATTORNEY TO REVIEW QUESTION OF PAYMENT OF SALARY OF CITY EMPLOYEES ON NATIONAL GUARD DUTY AND TO SECURE OPINION FROM ATTORNEY GENERAL.

Commander H. M. Hewson, U. S. Naval Reserve Retired, appeared before Council relative to city employees in the Reserve Forces of the U. S. on training duty, which they are required to do, and the salary paid them by the municipal government. He stated his concern, and that of others, is brought about by the lack of salary paid certain city employees ordered to National Guard duty at the strike in Henderson, N. C. Commander Hewson stated that other municipalities pay their employees for similar duty, namely Atlanta allows 14 days with pay, Baton Rouge, La. 14 days with pay, Nashville, Tenn. 75 days annual leave with pay and Birmingham, Ala. 35 days annual leave with pay after one year's employment. He stated further that the Post Office Department and other Federal Agencies give an annual military leave to the Reservists. That if the men give this service without full pay, or without their pay being subsidized, it is a hardship on both them and the Reserve Forces of the United States. He urged that the Council review the matter, and allow the salary paid.

Mr. John Shaw, City Attorney, stated he is of the opinion that the ruling he gave last week with regard to the men on National Guard duty will also apply to those doing regular reserve duty. That he will be glad to review the matter but that he does not believe there is any legal authority for paying the men. He pointed out that each of the cities named by Commander Hewson that allow leave with pay are in States other than North Carolina, and their laws permit it whereas there is no such provision in our laws.

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Chairman Babcock told Commander Hewson that all we can do is to receive his plea and ask the City Attorney to review the matter and give the Council a report.

Councilman Whittington moved that the City Attorney be requested to review the matter and ask the Attorney General if he knows of any law that will permit the payment, and give the Council a report. The motion was seconded by Councilman Albea, and unanimously carried.

ORDINANCE NO. 553 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE, AMENDING THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING THAT PORTION OF THE PROPERTY FRONTING ON FREEDOM DRIVE FROM R-2 TO B-1, CONTAINED IN THE PETITION OF MARSH LAND COMPANY.

Councilman Myers stated that a compromise has been offered by the Marsh Land Company to the recommendation of the Planning Board relative to their petition for a change in zoning of property located on both sides of Camp Green Street, from Freedom Drive and Royston Road, from R-2 to B-1, the said recommendation of the Board being to change only that portion of the property fronting on Freedom Drive.

Councilman Albea stated he is of the opinion that the matter should be referred back to the Planning Board for consideration.

Councilman Whittington stated the Planning Board has already ruled on the matter and it would seem to him to be up to the Council to make a decision. That in his opinion Royston Road is one of the best areas in the tract of land in question and the change would permit inroads into a nice residential area. That he would be opposed to taking any action other than abiding by the recommendation of the Planning Board.

Councilman Albea stated he is in agreement with the statement by Councilman Whittington.

Councilman Dellinger stated he is of the opinion that the residents should have every right to protect their homes, at the same time he does not feel that the property of Mr. Marsh should be confiscated.

Chairman Babcock stated that the Planning Board has rendered a decision not to the liking of Marsh Realty Company, and he is of the belief that if there is any chance of compromising the matter it would be wise to do so. That he was of the opinion when it was deferred last week that it would go back to the Planning Board.

Mr. Thomas Lockhart, Attorney for the petitioner, stated the recommendation of the Planning Board was to approve the petition in part, but the portion approved for change was of such limited size that they asked the Council to increase it. That he contacted Mr. Marsh and they worked out a good plan leaving a buffer zone for the protection of the residents on Royston Road.

Mr. Earl DeVane stated he resides across from the property in question, that they have no objections to the recommendation of the Planning Board, and feel that the Council should accept it.

Councilman Albea moved the adoption of Ordinance No. 553 Amending Chapter 21, Article I, Section 2 of the City Code, Amending the Building Zone Map of Charlotte by changing that portion of the property fronting on Freedom Drive from R-2 to B-1, be adopted as recommended by the Planning Board. The motion was seconded by Councilman Whittington.

A substitute motion was offered by Councilman Myers that the compromise made by Mr. Marsh be accepted as it would provide for a more orderly development of the neighborhood. The motion was lost for the lack of a second.

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Councilman Smith stated that last week he was in favor of the recommendation of Councilman Myers, but is now of the opinion that the Council should support the Planning Commission in cases of this kind.

The vote was then taken on the main motion by Councilman Albea, and un-animously carried.

The ordinance is recorded in full in Ordinance Book 12, Page 358.

RESOLUTION AUTHORIZING PERMANENT IMPROVEMENTS ON KING'S DRIVE FROM 200 FEET NORTH OF EAST MOREHEAD STREET SOUTH TO BRUNSWICK AVENUE, ADOPTED.

Upon motion of Councilman Albea, seconded by Councilman Dellinger, and un-animously carried, a resolution entitled: Resolution Authorizing Permanent Improvements on King's Drive From 200 Feet North of East Morehead Street south to Brunswick Avenue, was adopted on its second and final reading. The resolution is recorded in full in Resolutions Book 3, at Page 369.

RESOLUTION AUTHORIZING PERMANENT IMPROVEMENTS ON BEATTIES FORD ROAD, FROM CELIA AVENUE TO THE PRESENT CITY LIMITS, ADOPTED.

Upon motion of Councilman Albea, seconded by Councilman Dellinger, and un-animously carried, a resolution entitled: Resolution Authorizing Permanent Improvements on Beatties Ford Road, from Celia Avenue to the present City Limits, was adopted on its second and final reading. The resolution is recorded in full in Resolutions Book 3, at Page 370.

RESOLUTION AUTHORIZING PERMANENT IMPROVEMENTS ON WEST SIDE OF HUTCHINSON AVENUE FROM STATESVILLE AVENUE TO MORETZ AVENUE, AND BOTH SIDES OF HUTCHINSON AVENUE, FROM MORETZ AVENUE TO THE PRESENT CITY LIMITS, ADOPTED.

Upon motion of Councilman Albea, seconded by Councilman Dellinger, and un-animously carried, a resolution entitled: Resolution Authorizing Permanent Improvements on West Side of Hutchinson Avenue from Statesville Avenue to Moretz Avenue, and Both Sides of Hutchinson Avenue, from Moretz Avenue to the Present City Limits, was adopted on its second and final reading. The resolution is recorded in full in Resolutions Book 3 at Page 371.

RESOLUTION AUTHORIZING PERMANENT IMPROVEMENTS ON THE SOUTH SIDE OF EAST MOREHEAD STREET, FROM KING'S DRIVE TO NEAR HARDING PLACE, ADOPTED.

Upon motion of Councilman Albea, seconded by Councilman Dellinger, and un-animously carried, a resolution entitled: Resolution Authorizing Permanent Improvements on the South Side of East Morehead Street, from King's Drive to Near Harding Place, was adopted on its second and final reading. The resolution is recorded in full in Resolutions Book 3, at Page 372.

RESOLUTION AUTHORIZING PERMANENT IMPROVEMENTS ON ROZZELLS FERRY ROAD, FROM SMALLWOOD PLACE TO N. C. HIGHWAY #16, ADOPTED.

Upon motion of Councilman Albea, seconded by Councilman Dellinger, and un-animously carried, a resolution entitled: Resolution Authorizing Permanent Improvements on Rozzells Ferry Road, from Smallwood Place to N. C. Highway #16, was adopted on its second and final reading. The resolution is recorded in full in Resolutions Book 3, at Page 373.

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RESOLUTION AUTHORIZING PERMANENT IMPROVEMENTS ON CECIL STREET, FROM INDEPENDENCE BOULEVARD TO EAST FOURTH STREET, ADOPTED.

Upon motion of Councilman Albea, seconded by Councilman Dellinger, and unanimously carried, a resolution entitled: Resolution Authorizing Permanent Improvements on Celia Street, from Independence Boulevard to East Fourth Street, was adopted on its second and final reading. The resolution is recorded in full in Resolutions Book 3, at Page 374.

CITY MANAGER REQUESTED TO CONFER WITH ENGINEERING DEPARTMENT RELATIVE TO ESTABLISHMENT OF SETBACK LINE ON EAST FIFTH STREET TO HAVE STREET RIGHT-OF-WAY ONLY TO PROPERTY LINE OF PARKING LOT.

A resolution entitled: Resolution Establishing Setback Lines on East Fifth Street, from North Tryon Street to North College Street, was introduced and read. Mr. John Shaw, City Attorney, advised that the Map prepared by the Engineering Department establishes the setback line to provide for a 60 foot right-of-way, which will take in a portion of the parking lot on Fifth Street fronting Belk's Store, and it is his opinion that the Council desires the right-of-way to extend to the existing parking lot line. The Council stated this was their intent, and Councilman Dellinger moved that the City Manager confer with the Engineering Department and have the Map changed, and report back to Council. The motion was seconded by Councilman Albea, and unanimously carried.

CONTRACT AWARDED KNOXVILLE FOUNDRY COMPANY FOR CATCH BASIN FRAMES AND GRATES.

Upon motion of Councilman Whittington, seconded by Councilman Myers, and unanimously carried, contract was awarded the low bidder, Knoxville Foundry Company for 56 New Style Standard Catch Basin Frames and Grates, as specified, at a price of \$1,512.00, subject to cash discount of \$15.12, representing a net delivered price of \$1,496.88.

The following net delivered bids were received:

Knoxville Foundry Company	\$1,496.88
Sumter Machinery Company	\$1,613.47
Dewey Brothers, Inc.	\$2,150.52
Griffin Foundry & Mfg. Company	\$2,613.27

SICK LEAVE EXTENSIONS TO EMPLOYEES OF POLICE, PET AND MOTOR TRANSPORT DEPARTMENTS.

Motion was made by Councilman Albea, seconded by Councilman Dellinger, and unanimously carried, authorizing the extension of sick leave as follows:

- (a) Extension to June 30th to Police Officer D. M. Manass.
- (b) Extension to June 15th to Martin McGill, Animal Shelter Helper and Watchman.
- (c) Extension to June 30th to W. E. Boone, Sr. Motor Transport Department, who intends to retire as of this date because of his physical condition.

RESOLUTION AUTHORIZING PERMANENT IMPROVEMENTS ON BRANDYWINE ROAD, FROM SELWYN AVENUE TO HASSEL PLACE.

Upon motion of Councilman Albea, seconded by Councilman Dellinger, and unanimously carried, a resolution entitled: Resolution Authorizing Permanent Improvements on Brandywine Road, from Selwyn Avenue to Hassel Place, was adopted on its second and final reading. The resolution is recorded in full in Resolutions Book 3, at Page 375.

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CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

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

- (a) One 30-ft. entrance at 1624 Elizabeth Avenue.
- (b) One 30-ft. entrance at 1901 N. Davidson Street.
- (c) Three 30-ft. entrances at 235 West Tremont Avenue.
- (d) One 30-ft. entrance on May Street and One 15-ft. entrance on Herman Avenue, both for 3136 May Street.
- (e) One 35-ft. entrance on Bland Street and One 20-ft. entrance on South Boulevard, both for 1319 South Boulevard.

BID BOND ON CONTRACT OF MCCLAIN ELECTRIC COMPANY, INC. FOR ELECTRICAL WORK ON AIRPORT TERMINAL EXPANSION AUTHORIZED FORFEITED AND ARCHITECT AUTHORIZED TO READVERTISE FOR BIDS ON ELECTRICAL WORK.

A letter from McClain Electric Company to Walter Hooks & Associates, Architects for the Alterations & Additions to the Airport Terminal Building was read, in which the Company states they are unable to extend the time limit of their contract for the electrical work on the Airport Expansion project at their bid price. The recommendation of the Airport Manager that the Council approve the forfeiting of the Company's Bid Bond was then presented, and upon motion of Councilman Myers, seconded by Councilman Dellinger, and unanimously carried, the Bid Bond was authorized forfeited and the Architects were authorized to readvertise for bids on the said electrical work.

LEASE OF TRACT OF LAND OPPOSITE BUILDING NO. 108 AT AIRPORT TO RICHARD MACDOUGLASS APPROVED.

Upon motion of Councilman Dellinger, seconded by Councilman Whittington, and unanimously carried, the lease of a tract of land opposite to Building No. 108 at Douglas Municipal Airport to Richard Macdouglass was approved.

TRANSFER OF CEMETERY LOTS.

Motion was made by Councilman Whittington, seconded by Councilman Smith, and unanimously carried, authorizing the Mayor and City Clerk to execute deeds for the transfer of the following cemetery lots:

- (a) Deed with Mrs. F. C. Goudie, for Lot 310, Section 4-A Evergreen Cemetery, at \$126.00.
- (b) Deed with Mrs. Harriet T. McAuley, for Graves 1,2,3, and 4, in Lot 252, Section 2, Evergreen Cemetery, at \$160.00.
- (c) Deed with Mrs. Ada L. Poole, for Graves 5,6,7, & 8, in Lot 252, Section 2, Evergreen Cemetery, at \$160.00.
- (d) Deed with Mrs. C. B. Denton and Mrs. May B. Winstead, for Lot 306, Section 4-A, Evergreen Cemetery, at \$126.00.
- (e) Deed with J. E. Hartis, for Lot 114, Section 6, Oaklawn Cemetery, at \$1.00 for transfer from Mrs. Lillie Mae Hartis.
- (f) Deed with Miller & Kerns Funeral Directors, for Grave #3, Lot 127, Section 3, Evergreen Cemetery, at \$1.00 for transfer from James E. Cashatt and wife.
- (g) Deed with McAlister Carson, Executor of Estate of Sallie McAlister Carson, for Perpetual Care on Lot 36, Section L, Elmwood Cemetery, at \$201.60.

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APPOINTMENT OF SYDNOR THOMPSON AS VICE-RECORDER OF CITY RECORDER'S COURT.

Councilman Smith moved the appointment of Mr. Sydnor Thompson as Vice-Recorder of the City Recorder's Court for a term of two years to be paid at the per diem rate of the present Vice-Recorder for such time as he serves the Court during the vacation period allowed the Recorder. The motion was seconded by Councilman Myers, and unanimously carried.

REAPPOINTMENT OF CRAIG T. BROWN TO THE CIVIL SERVICE COMMISSION.

Councilman Dellinger moved the reappointment of Mr. Craig T. Brown to the Civil Service Commission for a term of 3 years from the expiration of his present term. The motion was seconded by Councilman Albea, and unanimously carried.

APPOINTMENT OF MRS. IDA C. COOPER AS ASSISTANT CLERK, CITY RECORDER'S COURT.

Councilman Albea moved the appointment of Mrs. Ida C. Cooper as Assistant Clerk of the City Recorder's Court, at her present salary. The motion was seconded by Councilman Dellinger, and unanimously carried.

CONSTRUCTION OF SANITARY SEWER IN CHESTERFIELD AVENUE AUTHORIZED.

Upon motion of Councilman Whittington, seconded by Councilman Smith, and unanimously carried, the construction of 250-ft. of sanitary sewer main was authorized in Chesterfield Avenue, at the request of Garrison & Hunter Fuel Oil Company, to serve two business units, at an estimated cost of \$740.00 All costs to be borne by the City without refund of the applicant's required deposit of \$140.00.

CITY MANAGER ADVISED ADVANCE OF FUNDS CANNOT BE MADE TO PARK & RECREATION COMMISSION UNTIL ADOPTION OF APPROPRIATION BUDGET FOR 1959-60.

Mr. Livingston, Acting City Manager, reported that the City cannot borrow money in anticipation of tax collections until the 1959-60 Appropriation Budget is adopted; therefore, the \$60,000.00 requested by the Park & Recreation Commission cannot be advanced to them as authorized on May 25th until that time.

PURCHASE OF HYDROMATIC GEAR SHIFT CAR FOR CHIEF OF POLICE AUTHORIZED.

Mr. Livingston, Acting City Manager, advised that Mr. Jesse James, newly appointed Chief of Police has requested that he be furnished a hydromatic gear shift car for his use because of a leg injury. Councilman Dellinger moved that the purchase of a hydromatic gear shift car, of the same make used by the present Chief of Police, be purchased as requested. The motion was seconded by Councilman Albea, and unanimously carried.

REPORT OF THE STATUS OF PROPOSED WIDENING OF EAST FIFTH STREET.

The following report of the City Engineer as to the status of the proposed widening of East Fifth Street was presented by Mr. Livingston, Acting City Manager:

"On April 1, and again on April 8, 1959, the City Council authorized the purchase of additional street right-of-way from property owners on East Fifth Street between North Brevard Street and North McDowell Street. Payments made to these property owners covered the cost of land, removal of any structures, fences, etc., and the construction of necessary steps and retaining walls.

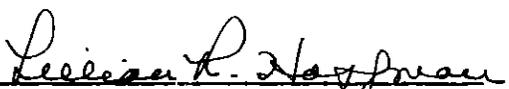
The grantors are allowed 60 days from the date of such payment in which to remove all structures from the new right-of-way. As of this date, all structures have been removed except four. The owners of these structures have been notified by Mr. J. E. Barrentine that the dead line for removing same was June 8, 1959, and they have been requested to comply with the original agreement.

As soon as all obstructions have been removed, this Department will be able to prepare cross sections of the new street right-of-way, and can then complete all computations for quantities. Plans and profile drawings must be completed along with construction specifications before a contract can be advertised and awarded for this work.

It is estimated that a minimum of 5 weeks will be required to complete all field work, construction drawings, and specifications for this project, after all obstructions have been removed from the right-of-way. The work load of this Department resulting from sanitary sewer extensions in the perimeter area is so critical that no estimate of an earlier date for advertising this project can be justified."

ADJOURNMENT.

Upon motion of Councilman Alba, seconded by Councilman Smith, the meeting was adjourned until 2 o'clock p.m., on Monday, June 22, 1959 in the Council Chamber.


Lillian R. Hoffman, City Clerk