

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, June 18, 1958, at 11 o'clock a.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 Albea.

MINUTES APPROVED.

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

PERIMETER AREA TO RECEIVE MISCELLANEOUS SERVICES AT TIME OF ANNEXATION.

Councilman Baxter asked Mr. Yancey if in the extension of the City Limits the City's intent has not been to provide the so-called miscellaneous services, such as Police and Fire Protection, Garbage Collection and Sanitary Inspections immediately. Mr. Yancey replied that the cost will be included in the budget for 1959-60 for one-half year.

Councilman Baxter stated that a candidate in the county is now spreading the word around that he will introduce a bill prohibiting the levying of city taxes in the area to be annexed, until all services are provided. He then asked Mr. Shaw, City Attorney if this would be constitutional and if he did not know, would he please check with the Attorney General for his opinion. Mr. Shaw replied that since the people have already voted, he would say that it would be unconstitutional.

RESOLUTION WITH REFERENCE TO AUDIT OF CITY RECORDER'S COURT SENT TO MR. GRADY STOTT, SOLICITOR OF THE DISTRICT, ADOPTED.

Councilman Dellinger stated that in reference to the unpleasant happenings in the City Recorder's Court, he would like to offer the following Resolution for adoption:

"WHEREAS, The City Manager has referred the audits made by G.G. Scott and Company with respect to certain matters and procedures in the City Police Department to Mr. Grady Stott, Solicitor of the District in which the City of Charlotte is located;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

That, such action on behalf of the City Manager be, and the same is, hereby approved and the City Manager be, and he is, hereby requested and instructed to obtain a transcript of any evidence that may be introduced in any Court cases that may result from such audit reports, and also, a transcript of any testimony that may be presented to the Civil Service Commission in connection with the pending hearings growing out of such audits and present the same to the City Council for its information and guidance to assist the City Council in taking such action as it may deem expedient in the circumstances."

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Councilman Dellinger moved the adoption of the Resolution, which was seconded by Councilman Albea and unanimously carried.

MICROFILM OF CHECKS CASHED IN THE CITY RECORDER'S COURT FUNDS DISCUSSED.

Councilwoman Evans asked Mr. Yancey if microfilm of the checks listed on Page 7, Sheet 1 of the Audit by Geo G. Scott Co. of the City Recorder's Court have been requested from the Bank. Mr. Yancey replied that he has not been instructed to do so by the Council.

Councilwoman Evans asked that Mr. Yancey request the microfilm of the checks on Page 7, Sheet 1, that she has checked into the matter, and because the checks were cashed out of City funds, the microfilm can be requested.

Councilman Baxter stated that he did not think the Council should interfere with the Grand Jury at this time. That the Council should not go into the matter until the Grand Jury has finished, and then they would know who is at fault.

Councilwoman Evans stated that the Council is shifting the responsibility to Mr. Stott, the Solicitor.

INQUIRY BY COUNCILWOMAN EVANS AS TO WHAT STEPS HAVE BEEN TAKEN BY THE COUNCIL TO SUSPEND JUDGE OF RECORDER'S COURT.

Councilwoman Evans asked what steps the Council has taken for the suspension of the present Judge in the City Recorder's Court.

Mr. Shaw, City Attorney, stated that the Private Laws of 1909, Section 3, Chapter 338 provide that the Judge may be removed only for Malfeasance in Office.

Councilwoman Evans stated that in the interest of Justice that he should not remain on the job while the probe is going on. That Mr. Yancey has instructed the Chief of Police to suspend two of his officers. Mr. Shaw replied that Chief Littlejohn has suspended the officers for violations of the Rules and Regulations of the Police Department.

Councilman Dellinger asked if any charges have been made against any one?

Mr. Shaw replied that the only charges filed have been by the Chief of Police citing the two officers to the Civil Service Commission for a Hearing, which has been set for 9:00 A.M. next Monday morning.

INSTITUTE OF GOVERNMENT TO BE REQUESTED TO COME TO CHARLOTTE AND RECOMMEND PROCEDURE FOR CITY RECORDER'S COURT.

Mayor Smith recommended that the Council go on record asking the Institute of Government to come to Charlotte and set up a proper Procedure for operating our Recorder's Court. That this should be done immediately, as soon as they can find the time as it will take some time for them to set the procedure up. That the quicker it is ready, it can be set into action when the investigation is completed.

Councilman Brown moved that the Mayor's recommendation be adopted, which was seconded by Councilman Dellinger.

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Councilman Baxter offered a Substitute motion that a decision not be made until the Grand Jury has completed its investigation. That the Council should not do anything that will interfere with the Grand Jury. Mayor Smith replied that this has nothing to do with the Grand Jury or the investigation.

Councilwoman Evans stated that as she understands the recommendation, the Council will be ready to put the Institute of Government recommendation into operation after the investigation has been completed. That it will be set up according to up-to-day techniques and business.

Councilman Dellinger asked Mr. Shaw if this would in any way interfere with the Grand Jury. Mr. Shaw replied that it would not.

The vote was then taken on the substitute motion, and lost, with the following votes:

YEAS: Councilmen Baxter and Albea

The vote was then taken on the original motion, which carried, with the following votes:

YEAS: Councilmembers Albea, Brown, Dellinger, Evans, Foard and Wilkinson.

NAYS: Councilman Baxter.

ORDINANCE NO. 460 AMENDING THE ZONING ORDINANCE BY AMENDING THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING PROPERTY LOCATED WEST OF GLENWOOD DRIVE NEAR PLAINVIEW ROAD, FROM R-2 TO INDUSTRIAL, ON PETITION OF P & N RAILWAY COMPANY, DENIED.

Councilman Brown moved that Ordinance No. 460 Amending Chapter 21, Article I, Section 2, of the City Code amending the Building Zone Map of Charlotte by changing property located west of Glenwood Drive, near Plainview Road, from R-2 to Industrial, on petition of P & N Railway Company be denied. The motion was seconded by Councilman Wilkinson, and unanimously carried.

ORDINANCE NO. 461 AMENDING THE ZONING ORDINANCE BY AMENDING THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING PROPERTY LOCATED AT THE SOUTHEAST CORNER OF DUCKWORTH AVENUE AND BRUNS AVENUE, FROM R-2 TO LIGHT INDUSTRIAL, ON PETITION OF WESTSIDE ICE & FUEL COMPANY, INC., DENIED.

Upon motion of Councilman Wilkinson, seconded by Councilman Albea, Ordinance No. 461, amending Chapter 21, Article I, Section 2 of the City Code amending the Building Zone Map of Charlotte by changing property at the southeast corner of Duckworth Avenue and Bruns Avenue, from R-2 to Light Industrial, on petition of Westside Ice & Fuel Company was denied.

The votes were cast as follows:

YEAS: Councilmen Albea, Baxter, Dellinger, Foard and Wilkinson.

NAYS: Council members Brown and Evans.

ORDINANCE NO. 462 AMENDING THE ZONING ORDINANCE BY AMENDING THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING PROPERTY LOCATED AT THE SOUTHEAST CORNER OF KESWICK AVENUE AND DUNLOE STREET, FROM R-2 TO INDUSTRIAL, ON PETITION OF SCANDINAVIA BELTING COMPANY, ADOPTED.

Motion was made by Councilwoman Evans, seconded by Councilman Foard and

unanimously carried, adopting Ordinance No. 462 Amending Chapter 21, Article I, Section 2 of the City Code amending the Building Zone Map of Charlotte by changing property at the southeast corner of Keswick Avenue and Dunloe Street, from R-2 to Industrial, on petition of Scandinavia Belting Company, as recommended by the Planning Board. The ordinance is recorded in full in Ordinance Book 12, at Page 251.

ORDINANCE NO. 463 AMENDING THE ZONING ORDINANCE BY AMENDING THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING PROPERTY LOCATED ON HUDSON STREET, BETWEEN MATHESON AVENUE AND 34TH STREET, FROM R-2 TO B-I, ON APPEAL OF J. W. KISER AND J. CLYDE WHITE, DECISION POSTPONED UNTIL JUNE 25TH.

Councilman Dellinger moved that Council decision be postponed for one week to June 25th and that the Planning Commission give their opinion on Ordinance No. 463 Amending the Zoning Ordinance by Amending the Building Zone Map of Charlotte by changing property located on Hudson Street, between Matheson Avenue and 34th Street, from R-2 to B-I, on appeal of J. W. Kiser and J. Clyde White. The motion was seconded by Councilman Wilkinson, and unanimously carried.

ORDINANCE NO. 464 AMENDING THE ZONING ORDINANCE BY AMENDING THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING PROPERTY ON COMMONWEALTH AVENUE, BETWEEN WOODLAND DRIVE AND GREENLAND AVENUE, FROM R-2 TO B-I, ON PETITION OF MRS. EUNICE KEZIAH AND DEWEY L. DRUM AND WIFE, ADOPTED.

Motion was made by Councilman Foard, seconded by Councilwoman Evans, and unanimously carried, adopting Ordinance No. 464 Amending Chapter 21, Article I, Section 2 of the City Code amending the Building Zone Map of Charlotte by changing the property on Commonwealth Avenue, between Woodland Drive and Greenland Avenue, from R-2 to B-1, on petition of Mrs. Eunice Keziah and Dewey L. Drum and wife, as recommended by the Planning Board. The ordinance is recorded in full in Ordinance Book 12, at Page 252.

ORDINANCE NO. 465 AMENDING THE ZONING ORDINANCE BY AMENDING THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING PROPERTY ON THE EAST SIDE OF AVONDALE AVENUE, SOUTH OF ORDERMORE AVENUE, FROM R-2 TO B-I, ON PETITION OF J.H. FRICKHOEFFER, BETTY TURNER WEBB, W.E. THOMAS, L.V. CLOANINGER AND LELIA PUCKETT HAYES, ADOPTED.

Councilman Dellinger moved the adoption of Ordinance No. 465 Amending Chapter 21, Article I, Section 2 of the City Code Amending the Building Zone Map of Charlotte by changing property on the east side of Avondale Avenue, south of Ordermore Avenue, from R-2 to B-1, on petition of J. H. Frickhoeffler, Betty Turner Webb, W. E. Thomas, L.V. Cloaninger, and Lelia Puckett Hayes, as recommended by the Planning Board. The motion was seconded by Councilman Wilkinson and unanimously carried. The ordinance is recorded in full in Ordinance Book 12, at Page 253.

ORDINANCE NO. 466 AMENDING THE ZONING ORDINANCE BY AMENDING THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING PROPERTY AT 1716 SOUTH TRYON STREET, LOCATED BETWEEN WEST KINGSTON AVENUE AND WEST BOULEVARD, FROM R-2 TO B-I, ON PETITION OF GEORGE H. SIKES, ADOPTED.

Motion was made by Councilman Wilkinson, seconded by Councilman Foard, and unanimously carried, adopting Ordinance No. 466 Amending Chapter 21, Article I, Section 2 of the City Code Amending the Building Zone Map of Charlotte by changing property at 1716 South Tryon Street, located between W. Kingston Avenue and West Boulevard, from R-2 to B-1, on petition of George H. Sikes, and recommended by the Planning Board. The ordinance is recorded in full in Ordinance Book 12, at Page 254.

ORDINANCE NO. 468 AMENDING THE ZONING ORDINANCE BY AMENDING THE BUILDING ZONE MAP OF THE CHARLOTTE PERIMETER AREA BY CHANGING PROPERTY SOUTH OF WILMONT ROAD, NEAR BEAM ROAD, FROM RURAL TO INDUSTRIAL, ON APPEAL OF MRS. KATHRYN P. BORDEN, DENIED.

Upon motion of Councilman Dellinger, seconded by Councilwoman Evans, and unanimously carried, Ordinance No. 468 Amending Chapter 21, Article II, Section 5 of the City Code amending the Building Zone Map of Charlotte Perimeter Area by changing property south of Wilmont Road, near Beam Road, from Rural to Industrial, on appeal of Mrs. Kathryn P. Borden, was denied, as recommended by the Planning Board.

ORDINANCE NO. 469 AMENDING THE ZONING ORDINANCE BY AMENDING THE BUILDING ZONE MAP OF THE CHARLOTTE PERIMETER AREA BY CHANGING THE TRIANGLE BOUNDED BY THE CITY LIMITS, NEW HIGHWAY 16 AND NELSON STREET, FROM R-2 TO INDUSTRIAL, ON PETITION OF ERVIN CONSTRUCTION COMPANY, ADOPTED.

Motion was made by Councilman Brown, seconded by Councilwoman Evans, and unanimously carried, adopting Ordinance No. 469 Amending Chapter 21, Article II, Section 5 of the City Code amending the Building Zone Map of the Charlotte Perimeter Area by changing the triangle bounded by the City Limits, New Highway 16 and Nelson Street, from R-2 to Industrial, on petition of Ervin Construction Company, as recommended by the Planning Board. The ordinance is recorded in full in Ordinance Book 12, at Page 255.

ORDINANCE NO. 470 AMENDING THE ZONING ORDINANCE BY AMENDING THE BUILDING ZONE MAP OF THE CHARLOTTE PERIMETER AREA BY CHANGING THE PROPERTY WEST OF BEATTYS FORD ROAD, ALONG HOSKINS AVENUE, FROM RURAL TO INDUSTRIAL, ON PETITION OF PAW CREEK LAND COMPANY, C.D. SPANGLER COMPANY, W.D. AUTEN AND WIFE, J. ALBERT CALDWELL, AZALE W. CALDWELL, FRANK W. CALDWELL AND YATES CALDWELL, ADOPTED.

Upon motion of Councilwoman Evans, seconded by Councilman Foard and unanimously carried, Ordinance No. 470 was adopted amending Chapter 21, Article II, Section 5 of the City Code amending the Building Zone Map of the Charlotte Perimeter Area by changing property west of Beattys Ford Road, along Hoskins Avenue, from Rural to Industrial, on petition of Paw Creek Land Company, C. D. Spangler Company, W.D. Auten and wife, J. Albert Caldwell, Azale W. Caldwell, Frank W. Caldwell and Yates Caldwell, as recommended by the Planning Board. The ordinance is recorded in full in Ordinance Book 12, at Page 256.

CONTRACT BETWEEN THE CITY OF CHARLOTTE AND MECKLENBURG COUNTY WITH RESPECT TO THE COLLECTION OF 1958-59 TAXES WITH BOTH GOVERNMENTAL UNITS BY THE CITY FOR THIS YEAR, APPROVED.

Councilman Dellinger asked Mr. L. L. Ledbetter, Deputy City Clerk to read the Contract, stating that he has not seen a copy and would like to know what it will cover. That he would like to know what part of the cost the City will have to pay and what the County will pay; will the present personnel, now in the City Tax Department, be sufficient without adding any additional employees; if a man wants to pay on only part of his property, can this be done.

Councilman Albea stated that it is good business to know what you are doing.

Councilman Foard asked who took part in drawing up the Contract? Councilman Baxter replied that Mr. Lewis, Institute of Government, Mr. John Shaw,

City Attorney, Mr. Henry Dockery, County Attorney, Council Committee appointed by Mayor Smith and Committee representing County Commissioners.

Mr. Shaw, City Attorney stated that the City Tax Collector will handle no more work than they have been handling. The transmittal of the funds will be the only additional work. That nobody can tell until the matter has been tried out whether any additional personnel will be needed.

Upon motion of Councilman Baxter, seconded by Councilman Brown, and un-animously carried, the Contract between the City of Charlotte and Mecklenburg County with respect to the Collection of 1958-59 Taxes with Both Governmental units by the City for this year was authorized.

CONTRACTS FOR THE INSTALLATION OF WATER MAINS IN MOUNT HOLLY ROAD AND MONTCLAIRE SUBDIVISION AUTHORIZED.

Councilman Wilkinson moved that the following contracts for the installation of water mains be approved. The motion was seconded by Councilman Baxter, and unanimously carried:

- (a) Contract with Geigy Chemical Corporation for the installation of approximately 2,000 feet of water main, in Mt. Holly Road, outside the City Limits, at an estimated cost of \$12,000.00. All costs to be borne by the applicant who will own same until the territory is taken over by the City. (The approval of this contract will automatically void and replace the contract approved by the Council on May 1, 1957, said contract never having been completed and not on file.)
- (b) Supplementary Contract, to contract dated March 12, 1958, with Ervin Construction Company, Inc. for the installation of 10,379 feet of additional mains and 9 fire hydrants, in Montclaire Sub-division, outside the city limits, at an estimated cost of \$33,800.00. All costs to be borne by the applicant, who will dedicate same to the City without cost, upon acceptance by the City for maintenance and operation.

CONSTRUCTION OF SANITARY SEWER MAINS AUTHORIZED.

Motion was made by Councilwoman Evans, seconded by Councilman Foard, and unanimously carried, authorizing the construction of sanitary sewer mains at the following locations:

- (a) 137-feet of sewer main in West Sixth Street, from Sycamore Street, southeast 137 feet, to serve one family unit already built, at an estimated cost of \$300.00, to be borne by the City, at request of H. F. Porter Plumbing Company.
- (b) 2,229-feet of sewer main in Walker Street, from 190 feet north of Billingsley Road, then south to Billingsley Road. Billingsley Road from Marvin Road west 1,639-feet. Marvin Road from Billingsley Road north 400 feet, to serve twenty-seven family units already built, at an estimated cost of \$8,025.00, to be borne by the City, at request of J. E. Ritch, Slum Clearance Engineer.

AGREEMENT WITH MECKLENBURG ENGINEERS AND CONTRACTORS, INC. FOR RIGHT-OF-WAY ACROSS CITY OF CHARLOTTE'S SUGAR CREEK DISPOSAL PLANT PROPERTY AUTHORIZED.

Upon motion of Councilman Brown, seconded by Councilman Wilkinson, and unanimously carried, the Mayor and City Clerk were authorized to sign an agreement with Mecklenburg Engineers and Contractors, Inc. for right-of-way across the City of Charlotte's Sugar Creek disposal plant property for sewer line.

SICK LEAVE EXTENDED TO PERSONNEL IN CHARLOTTE POLICE DEPARTMENT.

Councilman Dellinger moved that an extension of sick leave be approved for the following persons employed in the Charlotte Police Department. The motion was seconded by Councilman Albea, and unanimously carried:

J. N. Horton	7 days extension
Mrs. E. B. Brown	25 days extension
F. R. Burgess	31 days extension

TRANSFER OF FUNDS FROM EMERGENCY FUND TO SPECIAL APPROPRIATIONS FOR SPECIAL INVESTIGATION BY GEORGE G. SCOTT AND COMPANY.

Councilman Albea moved approval of the transfer of \$1,800.00 from the Emergency Fund (Code 110) to Special Appropriations (Code 109-F-1 Auditing) for Special Investigation by Geo. G. Scott and Company. The motion was seconded by Councilman Brown, and unanimously carried.

RESOLUTION PROVIDING FOR PUBLICATION OF NOTICE OF SESSION OF CITY COUNCIL ON JULY 16, 1958 TO CONSIDER THE PETITION OF AMITY GARDENS SHOPPING CENTER, INC. FOR THE ANNEXATION TO THE CITY OF CHARLOTTE OF 26.946 ACRES OF LAND LOCATED IN CRAB ORCHARD TOWNSHIP.

The City Manager reported that a Petition has been filed by Mr. Benj. S. Horack, Attorney for Amity Gardens Shopping Center, Inc. for the annexation to Charlotte of 26.946 acres of land in Crab Orchard Township, contiguous to the present corporate limits of Charlotte.

Thereupon, a resolution entitled: "Resolution Providing for Publication of Notice of Session of City Council on July 16, 1958, to consider the Petition of Amity Gardens Shopping Center, Inc. for the Annexation to the City of Charlotte of 26.946 Acres of Property, located in Crab Orchard Township", was introduced and read. Councilman Brown moved the adoption of the resolution, which was seconded by Councilman Dellinger and unanimously carried. The resolution is recorded in full in Resolutions Book 3, at Page 222.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

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

- (a) Two 30-ft. driveway entrances on Old Sardis Road, One 30-ft. entrance on Sharon-Amity Road, and One 30-ft. entrance on Andover Road, all for 4601 Old Sardis Road.
- (b) Two 10-ft. driveway entrances at 3110 and 3116 May Street.
- (c) One 25-ft. and One 30-ft. driveway entrance at 3930 Glenwood Drive.
- (d) One 18-ft. driveway entrance at 4921 Randolph Road.

TRANSFER OF CEMETERY LOT.

Upon motion of Councilman Brown, seconded by Councilman Albea, and unanimously carried, the Mayor and City Clerk were authorized to execute a deed with Chris Edwin Polk and Lula Evans Polk, for Lot #228, Section 4-A, in Evergreen Cemetery, at a cost of \$126.00.

CHANGE ORDER IN CONTRACT #2 WITH REA CONSTRUCTION COMPANY FOR HOSKINS FILTER PLANT, REDUCING THE RETAINAGE FROM 10% TO 5% ON WORK COMPLETED, APPROVED.

Upon motion of Councilman Foard, seconded by Councilman Baxter, and un-animously carried, Change Order in Contract #2 with Rea Construction Company for Hoskins Filter Plant, reducing the retainage from 10% to 5% on work completed, was authorized.

REPORT BY CITY MANAGER IN REFERENCE TO AUDIT RELATING TO RECORDER'S COURT HANDED TO CHIEF LITTLEJOHN WITH INSTRUCTIONS TO PLACE THEM IN THE HANDS OF THE SOLICITOR OF SUPERIOR COURT.

Mr. Yancey, City Manager read the following report:

"After a conference with City Attorney, Chief of Police, and H.E. Coffin of George G. Scott & Company, Auditors, on Thursday morning last, copies of the Audit relating to the Recorder's Court were handed to Chief of Police, Frank N. Littlejohn, with instructions to place them in the hands of the Solicitor of Superior Court and furnish the City Manager with a copy of the letter of transmittal."

TWO VOLUMES COVERING THE CIVIL DEFENSE PLAN FOR CHARLOTTE AND MECKLENBURG COUNTY PLACED ON FILE WITH CITY CLERK.

Mr. Yancey, City Manager reported that Mr. Kenneth D. Williams, Director of Civil Defense has written him a letter requesting that the Volumes Covering the Civil Defense Plan for Charlotte and Mecklenburg County be placed on file with the City Clerk.

ADJOURNMENT.

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



L.L. Ledbetter, Deputy City Clerk