

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 22, 1959, at 4 o'clock p.m., with Mayor Smith presiding and Councilmen Albea, Babcock, Dellinger, Hitch, Myers and Whittington being present.

ABSENT: Councilman Smith.

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Babcock, and unanimously carried, the Minutes of the last meeting on June 15th were approved as submitted.

DECISION ON ORDINANCE NO. 576 AMENDING ZONING ORDINANCE TO CHANGE ZONING ON PROPERTY ADJOINING THE SAL RAILWAY INDUSTRIAL PROPERTY ON HOSKINS ROAD AND WEST OF STEWART CREEK ON PETITION OF VARIETY ENTERPRISES, INC. CONTINUED FOR TWO WEEKS.

At the request of Mr. Joe Grier, Attorney for the petitioner, Variety Enterprises, Inc. due to his having been out of town and unable to confer with his client and the Planning Board as to their recommendations, Council decision on Ordinance No. 576 Amending the Zoning Ordinance to change the zoning from Rural to Industrial on property adjoining the SAL Railway industrial property north of Hoskins Road and west of Stewart Creek, was continued for two weeks upon motion of Councilman Dellinger, seconded by Councilman Hitch, and unanimously carried.

DECISION ON ORDINANCE NO. 571 AMENDING THE ZONING ORDINANCE TO CHANGE ZONING ON PROPERTY ON BOTH SIDES OF HAZEL STREET, SOUTH OF WOODLAWN ROAD, ON PETITION OF MR. FRANK GALINSKI, CONTINUED FOR TWO WEEKS.

At the request of Mr. John Newitt, Attorney for the petitioner, Councilman Whittington moved that Council decision on Ordinance No. 571 Amending the Zoning Ordinance to change the zoning on both sides of Hazel Street, south of Woodlawn Road, from Rural to Industrial, was continued for two weeks. The motion was seconded by Councilman Babcock, and unanimously carried.

DECISION ON ORDINANCE NO. 575 AMENDING THE ZONING ORDINANCE TO CHANGE ZONING ON PROPERTY ON THE SOUTH SIDE OF WILMONT ROAD ON PETITION OF JOHN T. GODLEY AND WIFE, CONTINUED FOR TWO WEEKS.

Councilman Hitch stated he had been requested by Councilman Smith, who is out of town, to request that the Council decision be continued for two weeks on Ordinance No. 575 Amending the Zoning Ordinance to change the Zoning on property on the south side of Wilmont Road, west of the Southern Railway crossline, from Rural to Industrial, and he moved that it be continued. The motion was seconded by Councilman Albea, and unanimously carried.

APPOINTMENT OF COUNCILMEN WHITTINGTON AND DELLINGER TO TAX COMMITTEE.

At the recommendation of Councilman Whittington that two members of the Council be appointed as a Tax Committee to work with the similar committee of the County Commissioners on tax matters, Mayor Smith appointed Councilmen Whittington and Dellinger to represent the Council.

MAYOR TO APPOINT AIRPORT STUDY COMMITTEE OF COUNCIL TO WORK WITH CHAMBER OF COMMERCE AVIATION COMMITTEE ON AIRPORT MATTERS.

Councilman Hitch recommended that a Committee of Council be appointed to work with the Chamber of Commerce Aviation Committee in the study of airport matters, and in particular the lengthening of runways, and bring in a recommendation from the joint committees.

Mayor Smith stated he has considered the appointment but is uncertain as to the size of the Committee and will give it his immediate attention.

MATTER OF WRITING SPECIFICATIONS FOR PURCHASE OF CARS SO AS TO NOT TO EXCLUDE ANY MAKE CAR IN A GIVEN PRICE RANGE TO BE DISCUSSED WITH CITY MANAGER VEEDER.

Councilman Babcock stated he felt that consideration should be given a change in the method of writing specifications for the purchase of cars where speed etc is not the question; that there are a number of domestically manufactured cars that will cost less initially and in operating expense, such as the Rambler and Lark. He stated further that he is aware, of course, that this type car would not fill every need, but in many cases the smaller car can be used. Mayor Smith stated also that the whole area of specifications should be discussed with the view of furthering competitive bidding. He suggested that the City Attorney prepare the necessary resolution or ordinance to liberalize specifications, but the City Attorney stated that instructions from the City Manager to the Departmental Heads would be sufficient. It was unanimously agreed that the matter of specifications be taken up with Mr. Veeder when he takes office as City Manager.

REAPPOINTMENT OF WALTER D. TOY, JR. AND GEORGE E. WILKINSON TO CHARLOTTE-MECKLENBURG PLANNING COMMISSION.

Upon motion of Councilman Albea, seconded by Councilman Babcock, and unanimously carried, Mr. Walter D. Toy, Jr. and Mr. George E. Wilkinson were reappointed to the Charlotte-Mecklenburg Planning Commission for three year terms, to expire on June 30, 1962.

COUNCIL DENIES PETITION OF W. O. FLOWE TO CHARLOTTE-MECKLENBURG PLANNING COMMISSION FOR CHANGE IN ZONING FROM RESIDENCE TO BUSINESS ON PROPERTY LOCATED AT 4800 THRIFT ROAD, ON WHICH THERE IS A TEMPORARY COURT ORDER RESTRAINING HIM FROM SUCH BUSINESS USE.

Mayor Smith presented a letter from the Charlotte-Mecklenburg Planning Commission stating that they have received a petition from Mr. W. O. Flowe for a change in zoning of his property at 4800 Thrift Road from Residence to Business usage. That this is the same property which has been involved in a long history of zoning ordinance violations, and is, at the present time, under a temporary Court order restraining Mr. Flowe from the business use of the property. That in granting the requested change in zoning, the restraining order would, of course, be dissolved. The Planning Commission recommended to the Council that they deny the petition without public hearing.

Mr. John Shaw, City Attorney, recited a similar case and stated the requested hearing and zoning change would not interfere with the law suit. That this is the case of a citizen who thinks he is entitled to a change in the zoning of his property, and the question is if it is good policy to cut a man off in the democratic process of the city's functions.

Mayor Smith then read a resume of the previous controversy regarding the Flowe property, beginning in May 1956 and continuing to May 1959. Councilman Dellinger stated that the Council is merely supporting the City Inspection Department in carrying out their duties with regard to building permits, and that Mr. Flowe has been warned time and again that he cannot act contrary and in opposition to the laws of the City, in which he persists.

Councilman Albea moved that Mr. Flowe's petition for a change in zoning from the Residential usage to Business usage of his property at 4800 Thrift Road be denied without public hearing, as recommended by the Planning Board. The motion was seconded by Councilman Dellinger, and unanimously carried.

APPOINTMENT OF COUNCILMAN CLAUDE L. ALBEA AS EX-OFFICIO MEMBER OF THE BOARD OF TRUSTEES OF THE CHARLOTTE MENTAL HEALTH CLINIC TO FILL VACANCY.

Mayor Smith appointed Councilman Claude L. Albea as ex-officio member to the Board of Trustees of the Charlotte Mental Health Clinic to fill the vacancy filled by a former council member. Councilman Albea accepted the appointment.

MAYOR SMITH TO ATTEND U. S. CONFERENCE OF MAYORS IN LOS ANGELES, JULY 12-15, 1959 WITH COUNCIL APPROVAL.

Mayor Smith called attention to the 1959 Annual Conference of the U. S. Conference of Mayors to be held in Los Angeles on July 12-15, and asked if any member of the Council wishes to attend. Councilman Whittington stated that the Mayor should attend if possible and he is of the opinion that due to distance it would be too much of a strain on the economy of the City for Council members to attend, particularly in view of it being primarily a meeting of Mayors. He then moved that the Council approve Mayor Smith attending the Conference. The motion was seconded by Councilman Hitch, and unanimously carried.

ORDINANCE NO. 572 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF THE PERIMETER AREA, DENIED.

Motion was made by Councilman Dellinger, seconded by Councilman Albea, and unanimously carried, that 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 on petition of Edward Dobkin, be denied, as recommended by the Planning Board. The motion was seconded by Councilman Albea, and unanimously carried.

ORDINANCE NO. 573 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF THE PERIMETER AREA, ADOPTED.

Upon motion of Councilman Myers, seconded by Councilman Albea, and unanimously carried, 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. and W. T. Brown, et al, was adopted as recommended by the Planning Board. The ordinance is recorded in full in Ordinance Book 12, at Page 359.

ORDINANCE NO. 574 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF THE PERIMETER AREA, DENIED.

Councilman Albea moved that Ordinance No. 574 Amending the Zoning Ordinance to amend the Building Zone Map of the Perimeter Area, by changing property at 5100 Park Road from R-2 to B-1, on petition of Coleman L. Vaughn and wife, be denied as recommended by the Planning Board. The motion was seconded by Councilman Dellinger, and unanimously carried.

ORDINANCE NO. 577 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF CHARLOTTE, ADOPTED.

Upon motion of Councilman Babcock, seconded by Councilman Myers, and un-animously carried, Ordinance No. 577 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte by changing property at 2430-36 Remount Avenue, from R-2 to Light Industrial, on petition of Clarence H. Foushee, et al, was adopted as recommended by the Planning Board. The ordinance is recorded in full in Ordinance Book 12, at Page 360.

ORDINANCE NO. 578 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF CHARLOTTE, ADOPTED.

Councilman Dellinger moved that 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, from R-2 to B-1, on petition of P. B. Melton and wife, be adopted as recommended by the Planning Board. The motion was seconded by Councilman Babcock, and unanimously carried. The ordinance is recorded in full in Ordinance Book 12, at Page 361.

ORDINANCE NO. 579 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF CHARLOTTE, ADOPTED.

Upon motion of Councilman Whittington, seconded by Councilman Albea, and un-animously carried, Ordinance No. 579 Amending the Zoning Ordinance, to amend the Building Zone Map of Charlotte by changing property on the NE corner of West First Street and Elliott Street, from R-2 to B-1, on petition of Joe L. Church and wife, was adopted, as recommended by the Planning Board. The ordinance is recorded in full in Ordinance Book 12, at Page 362.

RESOLUTION ADOPTING SET-BACK LINES ON EAST FIFTH STREET FROM NORTH TRYON STREET TO NORTH COLLEGE STREET.

A resolution entitled: "Resolution Adopting Set-back lines on East 5th Street, from North Tryon to North College Street" was introduced and read, and upon motion of Councilman Dellinger, seconded by Councilman Albea, and un-animously carried, was adopted. The resolution is recorded in full in Resolutions Book 3, at Page 384.

RESOLUTION APPROPRIATING FUNDS FOR PAYING USUAL EXPENSES OF THE CITY PENDING THE ADOPTION OF THE ANNUAL APPROPRIATION ORDINANCE.

A resolution entitled: "Resolution Appropriating Funds for paying usual

Expenses of the City Pending the adoption of the Annual Appropriation Ordinance " was introduced and read, and upon motion of Councilman Albea, seconded by Councilman Babcock, was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 385.

EXPENSES OF FIVE CANDIDATES FOR POSITION OF CITY MANAGER AUTHORIZED PAID.

Upon motion of Councilman Whittington, seconded by Councilman Babcock, and unanimously carried, traveling expenses of the five candidates for the position of City Manager invited to Charlotte for interviews, in the total amount of \$322.78, were authorized paid.

CONTRACT WITH DUKE POWER COMPANY FOR ELECTRICAL POWER TO MCMULLEN CREEK SEWAGE PUMPING STATION.

Councilman Dellinger moved approval of a contract with Duke Power Company for electrical power to McMullen Creek Sewage Pumping Station. The motion was seconded by Councilman Albea, and unanimously carried.

CONSTRUCTION OF SANITARY SEWER MAINS AUTHORIZED.

Upon motion of Councilman Whittington, seconded by Councilman Hitch, and unanimously carried, the construction of sanitary sewers were authorized at the following locations:

- (a) Construction of 225-ft. of sewer main in Norris Avenue, at an estimated cost of \$875.00, at the request of Helms Construction Company, to serve 3 family units. All costs to be borne by the City.
- (b) Construction of 1,850-ft. of sewer main in Glenville Avenue and Purser Drive, at an estimated cost of \$5,555.00, at the request of S. M. Hobbs, 6935 Lawyers Road, to serve a portion of Milton Park #3. All costs to be borne by the City and applicants required deposit of the entire amount to be refunded as per terms of the contract.
- (c) Construction of 965-ft. of sewer main and trunk to serve a portion of the area to be annexed, at an estimated cost of \$2,350.00 at request of Shell Oil Company, to serve 4 business units. All costs to be borne by the City and applicant's required deposit of \$1,150.00 not refundable.

SICK LEAVE EXTENSION TO FIREMAN A. L. WALLACE.

Councilman Dellinger moved approval of the extension of sick leave to Fireman A. L. Wallace to July 16th as recommended by the Chief of the Fire Department. The motion was seconded by Councilman Whittington, and unanimously carried.

CONTRACT AWARDED HUTTON-SCOTT COMPANY FOR SEDAN FOR CHIEF OF POLICE.

Councilman Dellinger moved that contract be awarded the low bidder, Hutton-Scott Company for One 4-door Sedan, colored light green, equipped as specified for immediate delivery, at a net delivered price of \$1,935.34. The motion was seconded by Councilman Babcock, and unanimously carried.

The net delivered bids received are as follows:

Hutton-Scott Company	Plymouth	\$1,935.34
Courtesy Motors, Inc.	Ford	\$1,973.24
Young Motor Company	Ford	\$1,979.89
Hoppe Motors, Inc.	Plymouth	\$2,047.20

CONTRACT AWARDED BILL SHAW COMPANY FOR FURNITURE FOR NEW HEALTH CENTER.

Motion was made by Councilman Albea, seconded by Councilman Whittington, and unanimously carried, awarding contract to the low bidder, Bill Shaw Company, Inc. for a schedule of furniture, consisting of 52 items, for the new Health Center, at a total installed price of \$17,618.55, subject to cash discount of \$352.37, representing a net installed price of \$17,266.18.

All net delivered bids submitted are as follows:

Bill Shaw Company	\$17,266.18
Fowler's	\$17,716.07
Kale Lawing Company	\$21,072.27
ALTERNATE BID	\$19,034.85
Pound & Moore Company	\$22,000.77
Remington-Rand Division of Sperry Rand Corp.	\$23,652.27

PURCHASE OF RESCUE TRUCK FOR CIVIL DEFENSE DEFERRED FOR FURTHER INFORMATION.

The City Manager stated that only the bid of International Harvest Company, at \$11,469.89 was received on the Rescue Truck for Civil Defense, and recommended the award of contract to this company. Councilman Whittington stated he does not feel that the truck is needed. Councilman Hitch stated he would like to have additional information as to the real need for the truck before deciding on the purchase. Councilman Albea moved that action be deferred for one week and that Mr. Kenneth Williams, Director of Civil Defense be requested to discuss the matter with the Council at new week's meeting. The motion was seconded by Councilman Whittington, and unanimously carried.

CONTRACT AWARDED ASSOCIATED BRICK AGENCY FOR CLAY BRICK FOR ENGINEERING DEPARTMENT.

Upon motion of Councilman Whittington, seconded by Councilman Albea, and unanimously carried, contract was awarded Associated Brick Agency for 132,000 All Hard, Tough, Sound, Clay brick, as specified, at a bid price of \$4,488.00, subject to cash discount of \$660.00, representing a net delivered price of \$3,828.00.

All net delivered bids received are as follows:

Associated Brick Agency	\$3,828.00
Tucker-Kirby Company	\$4,263.60
Kendrick Brick & Tile Company	\$4,263.60

LEASE OF AIRPORT PROPERTIES TO HOLMAN-MOODY AND TO ROY H. GRIFFIN APPROVED.

Upon motion of Councilman Dellinger, seconded by Councilman Babcock, and unanimously carried, the following leases were approved:

- (a) Lease of lot at Douglas Municipal Airport opposite Building No. 89 to Holman-Moody, for a period of 5 years, at a flat rental of \$50.00 for first year, increasing \$25.00 per year until expiration.
- (b) Lease of Room #219 in Douglas Municipal Airport Terminal to Roy H. Griffin for use as a Barber Shop, for a period of 5 years, at a rental of \$150.00 per month for the first two years, \$175.00 for 3rd year and \$200.00 for the 4th and 5th years.

TRANSFER OF CEMETERY LOTS:

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

- (a) Deed with Mr. & Mrs. H. H. Bungardner, for Lot 233, Section 4-A, Evergreen Cemetery, at \$126.00.
- (b) Deed with Mr. N. R. Thompson, Jr. and wife, for Lot 228, Section 7, Oaklawn Cemetery, at \$320.00.
- (c) Deed with Mr. L. E. Sturdivant, for Grave #4, Lot 101, Section 3, Evergreen Cemetery, at \$40.00.

STATUS OF CAPTAIN SELVEY TO BE DISCUSSED WITH CHIEF JAMES BY BUDGET COMMITTEE.

Councilman Hitch stated at the time he nominated Mr. Jesse James as Chief of Police, he suggested that something be done regarding the position of Captain Selvey, whom Chief James is today succeeding as Chief of Police. He stated further that he is bringing the matter before the Council at this time at the request of Chief Selvey who asked that his present salary as Chief of Police be continued to September 1st. Councilman Whittington stated he thinks the new Chief of Police should be allowed to handle this matter himself. Mayor Smith asked that the Budget Committee discuss the request of Captain Selvey with Chief James when he comes before them to discuss the Police Budget.

ADJOURNMENT.

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


Lillian R. Hoffman, City Clerk