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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Wednesday, June 23, 1954, at 11 o'clock a.m., with Mayor pro tem Smith presiding, and Councilmen Albea, Baxter, Boyd, Brown, Dellinger, and Wilkinson present.

Absent: Mayor Van Every.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Wilkinson, seconded by Councilman Dellinger, and unanimously carried, the minutes of the last meeting on June 16th were approved as submitted.

ORDINANCE NO. 217 AMENDING ZONING ORDINANCE CHANGING ZONING FROM R-2 TO B-1 ON PROPERTY AT INTERSECTION OF ROMANY ROAD AND HARDING PLACE, ADOPTED.

The scheduled hearing was held in connection with the adoption of an Ordinance No. 217 Amending the Zoning Ordinance to change the zoning from R-2 to B-1 on property at the intersection of Romany Road and Harding Place, upon petition of H. C. Sherrill Company, Richard M. Arnold and wife, and G. V. Lawrence, optionee, which was denied by the Zoning Board of Adjustment.

No opposition was expressed by the public to the proposed change.

Mr. Yancey, City Manager, stated that notice of the proposed change had been posted on the property and the hearing today had been advertised in the newspaper.

In reply to Councilman Albea's inquiry as to what affect the change would have on adjacent property, Mr. John D. Hicks, Attorney for the petitioner advised that insofar as they know there are no objections to the change whatsoever. That the lots have a mud-bank at the rear and a drainage ditch on the side and at present are covered with a dense thicket of trees. That they have letters from the doctors who have clinics across from the property, and also from the owner of a duplex similarly situated, and from Memorial Hospital, which is located nearby, expressing approval of the change. He read a letter from the Administrator of Memorial Hospital stating that the contemplated structure on the property, which will house a drug store and doctors offices, will be an asset to the hospitals, doctors, and clinics in the neighborhood.

Councilman Baxter moved the adoption of the ordinance effecting the change in zoning, as requested. The motion was seconded by Councilman Boyd, and unanimously carried. The ordinance is recorded in full in Ordinance Book 11, at Page 360.

MOTION LOST TO DENY CONTRIBUTION OF \$300.00 FOR WHITE FRINGE BEETLE CONTROL BY U. S. DEPARTMENT OF AGRICULTURE.

Mr. H. V. Autrey of the U. S. Department of Agriculture again appeared before Council for a reply to his request last week for a contribution of \$300.00 to be used in the control of the white fringe beetle in Mecklenburg County, together with a similar amount which has been allocated by the Board of County Commissioners. He stated that the affected area in Charlotte is mainly around King's Drive, Hill Street and South McDowell. That the program is to prevent the spread of the beetle to other areas of the city and county. The City Attorney pointed out that the spread of the beetle could reach such proportions that it would mean a quarantine on the County, and that produce would have to undergo spraying, etc. before shipment.

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Councilman Baxter stated that the Nurseries advise that the spray is detrimental to shrubbery and plants, and that last year when the spray was used the fish in Freedom Park lake were killed. Mr. Autrey advised that it has been established that the fish were killed by DDT, and they do not use DDT, and do not spray around or over lakes. That he is sure the Department of Agriculture would not allow the use of a spray that would destroy shrubbery and plants.

Councilman Baxter moved that the request for funds be denied. The motion was seconded by Councilman Boyd. The motion was lost on the following recorded vote:

YEAS: Councilmen Baxter, Boyd and Dellinger.

NAYS: Councilmen Wilkinson, Albea, Brown, and Mayor pro tem Smith.

PROHIBITION OF PERFORMANCE OF "STARS OVER HARLEM" TENT SHOW REFERRED TO CITY MANAGER, CITY SOLICITOR AND CHIEF OF POLICE.

Mr. Joe Carston appeared before Council and advised that the owners of the tent show "Stars Over Harlem" have been refused a license to perform here on next Friday and Saturday as scheduled, because of the type of advertising on handbills that have been distributed. Mr. Carston stated that he is in the advertising business and is solely responsible for the type of advertising; that he was of the opinion that the show was a "girl show" and that his advertising was a true description of the character of the show. However, the owners state it is not a true representation of the Show, and that he saw the Show last night and found it to be high-type and one of the cleanest Shows he has ever seen, without strip-tease whatsoever. He stated that he is entirely responsible for the mix-up and wants to do everything possible to correct it. He asked that a Committee of Council and citizens see a preview of the Show before definitely denying the license. He stated further that the owner has a \$4,000.00 weekly payroll and will be badly crippled financially unless the performances can be given as scheduled. Mr. Yancey, City Manager, stated that the advertising came into the hands of Chief Littlejohn, and a group of ministers came to see him and asked that the performances be prohibited. That he instructed the Tax Department not to issue a license until further notice, and he instructed the Chief of Police to place plainclothesmen at the tent to stop the show if it should open. Chief Littlejohn stated Dr. Warren, Dr. McClure and five Negro Ministers came to see him and asked that the Show be prohibited from performing. He stated further that it is in violation of Chapter 19, Article I, Section 3 of the City Code relating to indecent and lewd dress and exposure, and also of Chapter 14, Section 1819 of the State Statutes. That he has conferred with Mr. Carston and told him he would not approve the issuance of a license, however, he could appear before the City Council and present his case if he wished.

Councilman Boyd moved that the matter be referred to the City Manager, City Solicitor and Chief of Police and that the provisions of the law be carried out. The motion was seconded by Councilman Dellinger, and unanimously carried.

RESOLUTION RELATIVE TO MAKING AVAILABLE FUNDS TO THE N. C. ARMORY COMMISSION FOR THE CONSTRUCTION OF AN ARMORY IN CHARLOTTE, SAID FUNDS TO BE REFUNDED TO THE CITY OF CHARLOTTE WITHOUT INTEREST.

A resolution entitled: "Resolution Relative to Making Available Funds to the N. C. Armory Commission for the Construction of an Armory in Charlotte, Said Funds to be Refunded to the City of Charlotte Without Interest" was introduced by Councilman Baxter, who moved its adoption following the reading thereof. The motion was seconded by Councilman Brown, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 213.

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MOTION THAT ALL CITY EMPLOYEES WITH TEN YEARS OR MORE SERVICE BE GRANTED THREE WEEKS VACATION WITH PAY DENIED.

Councilman Boyd moved that all city employees with ten or more years of continuous service be granted a three weeks vacation period with pay. The motion did not receive a second, and was lost.

SUMMER SCHEDULE FOR COUNCIL MEETINGS TO MEET EVERY OTHER WEEK BEGINNING JULY 1ST THROUGH AUGUST 31ST ADOPTED.

Councilman Brown moved that the Council go on a summer schedule for Council Meetings to be held every other week beginning July 1st and to continue through August 31st. The motion was seconded by Councilman Dellinger, and carried, with the votes cast as follows:

YEAS: Councilmen Baxter, Brown, Dellinger and Wilkinson.

NAYS: Councilmen Albea and Boyd.

COUNCILMAN BOYD ABSENT FOR REMAINDER OF MEETING.

Councilman Boyd left the meeting at this time and was absent for the remainder of the session.

ORDINANCE
RESOLUTION PROVIDING FOR PUBLIC HEARING ON AMENDMENT TO ZONING/TO CHANGE BUILDING ZONE MAP FROM R-2 TO B-1 ON TRIANGULAR VACANT LAND ON NORTH SIDE OF INDEPENDENCE BOULEVARD.

Following the introduction of an ordinance entitled: "Ordinance No. 220 Amending the 'Zoning Ordinance' to change the Building Zone Map from R-2 to B-1 on a small triangular shaped parcel of land on the north side of Independence Boulevard between land zoned for B-1 use and Briar Creek, a Resolution Providing for a Public Hearing on July 14, 1954, on the proposed ordinance was introduced and read. Councilman Wilkinson moved the adoption of the resolution, which was seconded by Councilman Baxter and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 214.

ORDINANCE NO. 221 AMENDING THE CITY CODE WITH RESPECT TO WATER AND SEWER.

An ordinance entitled: "Ordinance No. 221 Amending the City Code with Respect to Water and Sewer" was introduced and read. Councilman Baxter moved the adoption of the ordinance, which was seconded by Councilman Brown, and carried, with the votes cast as follows:

YEAS: Councilmen Baxter, Brown, Dellinger and Wilkinson.

NAYS: Councilman Albea.

The ordinance is recorded in full in Ordinance Book 11, at Page 361.

ORDINANCE NO. 222 REVISIONS FEES REQUIRED TO BE PAID UNDER THE BUILDING CODE, INCLUDING PLUMBING, ELECTRICAL AND GAS CODES.

Ordinance No. 222 Revising Fees Required To Be Paid Under the Building Code, Including Plumbing, Electrical and Gas Codes" was introduced and read. Councilman Brown moved the adoption of the ordinance. The motion was seconded by Councilman Dellinger, and unanimously carried. The ordinance is recorded in full in Ordinance Book 11, at Page 362.

RESOLUTION SETTING A TENTATIVE TAX RATE OF \$1.65 FOR THE FISCAL YEAR BEGINNING JULY 1, 1954 AND PRESCRIBING THE RATE FOR THE COLLECTION OF PREPAID TAXES.

A resolution entitled: "Resolution Setting a Tentative Tax Rate of \$1.65 for the Fiscal Year beginning July 1, 1954" was introduced and read. Councilman Baxter moved the adoption of the resolution, which was seconded by Councilman Wilkinson, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 215.

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DISCUSSION OF INCREASE IN WATER RATES AND INSPECTION FEES IN ORDER TO RAISE FUNDS.

Councilman Brown stated that his colleague, Councilman Albea, voted against the increase in water rates and made a statement in the newspaper. He stated further that he does not think that any of the Council wanted to raise taxes, or the water rates or inspection fees, but the money had to be raised and it was a matter of putting it on real estate or on some other item; therefore, by increasing the water rates and inspection fees it was leveled off so that everyone shared in the increase. That, in fact, the tax rate was actually raised by the voting public.

Councilman Albea stated he did not make any statement in the press, that he made his statement in the meeting. That he was opposed to taxing the water and is still opposed to it. That he has no criticism to make of any Councilman, that is up to each one as individuals.

Councilman Baxter stated he would like to add that Charlotte's water rates are the lowest in the southeastern section of the country.

PLAT OF R. H. CURRY & SON SUBDIVISION APPROVED.

Motion was made by Councilman Dellinger, seconded by Councilman Baxter, and unanimously carried, approving the Plat of R. H. Curry & Sons Subdivision, located outside the city limits beyond Griertown, and recommended by the Planning Board.

AGREEMENTS WITH STATE HIGHWAY & PUBLIC WORKS COMMISSION FOR RIGHTS-OF-WAY FOR INSTALLATION AND MAINTENANCE OF WATER MAINS IN PLAZA ROAD, OUTSIDE THE CITY LIMITS.

Councilman Wilkinson moved that the Mayor and City Clerk be authorized to execute agreements with the State Highway & Public Works Commission in conjunction with Civil Development Company, Inc., for rights-of-way for the installation and maintenance of water mains in Plaza Road, outside the city limits. The motion was seconded by Councilman Baxter, and unanimously carried.

CONTRACTS WITH CIVIL DEVELOPMENT COMPANY, INC. AND N. G. SPIER FOR CONSTRUCTION OF WATER MAINS.

Upon motion of Councilman Baxter, seconded by Councilman Brown, and unanimously carried, contracts for the installation of water mains were approved as follows:

- (a) Contract with the Civil Development Company, Inc., for the construction of 16,405 feet of water mains and 10 fire hydrants to serve property along Plaza Road and the L. A. Barnes property, outside the city limits, at an estimated cost of \$44,000.00. All costs to be borne by the applicant, who will own the mains until the territory is taken into the city.
- (b) Contract with N. G. Spier for the construction of 14,640 feet of water mains and 5 fire hydrants in Madison Park Subdivision, outside the city limits, at an estimated cost of \$36,573.00, to serve residential property. All costs to be borne by the applicant, who will dedicate the mains to the City upon completion.

CONSTRUCTION OF SANITARY SEWER MAIN IN SELWYN AVENUE.

Motion was made by Councilman Dellinger, seconded by Councilman Baxter, and unanimously carried, authorizing the construction of 225-feet of sanitary sewer mains in Selwyn Avenue, at an estimated cost of \$485.00, to be borne by the City, to serve three family units on Selwyn Avenue.

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CONNECTION OF PRIVATE SANITARY SEWER LINES OWNED BY ERVIN CONSTRUCTION COMPANY TO CITY'S PRIVATE SANITARY SEWERAGE SYSTEM.

Councilman Baxter moved that the request of Ervin Construction Company be granted to connect 1,345 feet of sanitary sewer lines off Park Road, to the City's Sanitary Sewerage System, upon condition that they comply with all laws, rules and regulations now in effect, or which may hereafter become effective relative to property similarly situated. The motion was seconded by Councilman Dellinger, and unanimously carried.

HOLIDAY GRANTED CITY EMPLOYEES ON MONDAY, JULY 5TH IN OBSERVANCE OF FOURTH OF JULY.

Upon motion of Councilman Wilkinson, seconded by Councilman Brown, and unanimously carried, a holiday was granted city employees on Monday, July 5th, in observance of the Fourth of July.

LEASE OF AIRPORT PROPERTIES REPORTED CONCLUDED.

The City Manager reported that leases had been concluded on space in the Airport Terminal, as follows:

BUILDING NO.	LESSEE	MONTHLY RENTAL	DATE AND TERM OF LEASE
Terminal	Caro-Drive-Ur-Self Co.	5% Gross	6-15-54 10 years
Terminal	Southern Flight Service	5% Gross	6-15-54 10 years

TRANSFER OF CEMETERY LOTS.

Motion was made by Councilman Baxter, seconded by Councilman Dellinger, and unanimously carried, authorizing the Mayor and City Clerk to execute deeds for the transfer of cemetery lots, as follows:

- (a) Deed with Mr. and Mrs. Ernest E. Farquhar, for Lot 166, in Section 4-A, Evergreen Cemetery, at \$81.90.
- (b) Deed with George Griswold, for northwest quarter of Lot 172 in Section 3, Evergreen Cemetery, transferred from Mrs. Bronnie F. Myers, at \$1.00 for transfer deed.

CLAIM OF JAMES K. WASHAM FOR DAMAGES TO CAR BY CITY FLUSHER TRUCK REFERRED TO CITY ATTORNEY.

Upon motion of Councilman Baxter, seconded by Councilman Wilkinson, and unanimously carried, the Claim of Mr. James K. Washam, in the amount of \$263.67 for damages to car on South Boulevard on June 5, 1954 by the City's Flusher Truck, was referred to the City Attorney for handling.

ADJOURNMENT.

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

Lillian R. Hoffman
City Clerk