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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, March 23, 1955, at 4 o'clock p.m., with Mayor Van Every presiding, and Councilmen Albea, Baxter, Boyd, Brown, Dellinger and Smith present.

Absent: Councilman Wilkinson.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Smith, seconded by Councilman Brown, and unanimously carried, the minutes of the last meeting on March 16th were approved as submitted.

REQUEST OF J. P. HEADEN FOR ZONING RECLASSIFICATION OF VACANT LOT AT NORTHWEST CORNER OF 34TH STREET AND THE PLAZA REFERRED TO ZONING BOARD OF ADJUSTMENT.

Mr. Parker Whedon, Attorney representing Mr. J. P. Marren and eight or ten other owners of property adjoining or adjacent to the vacant lot at the corner of 34th Street and The Plaza, appeared before Council in protest of the change in zoning from R-2 to B-1 on the said lot. Mr. Whedon stated that the Zoning Board of Adjustment approved the change in zoning on March 8th upon the petition of Mr. Barron Phillips, who was not the owner of the property, having sold it to Mr. J. P. Headen on February 10th. Mr. Whedon stated further that in his opinion the entire proceedings before the Zoning Board were improper since the change was approved on the request of someone other than the owner of the property; he therefore requested that no action be taken by the Council.

The City Manager advised that Mr. J. M. Scarborough, Attorney representing Mr. Headen, who has purchased the property, requested approval of the zoning change.

The City Attorney stated that the City Clerk had advised him that the file from the Zoning Board of Adjustment contains petitions filed with them by both Mr. Phillips and Mr. Headen, however, the letter from the Board recommending the change referred only to the petition of Mr. Phillips.

Councilman Dellinger moved that the matter be taken back to the Zoning Board of Adjustment. The motion was seconded by Councilman Boyd, and unanimously carried.

LEASE OF PROPERTY AT MUNICIPAL AIRPORT TO CANNON AIRCRAFT SALES & SERVICE, INC.

Mr. Irvin Boyle, Attorney for Cannon Aircraft, requested that the lease of the Airport property to Cannon Aircraft Sales & Service, Inc., be approved today, the site having been approved at last week's meeting.

Mr. Frank Snepp, Attorney for Southern Flight Service, stated his client has no objections to Cannon Aircraft being at the Airport but does object to the proposed lease as drawn. He submitted to the Council aerial photographs of the area desired by Cannon Aircraft and that leased to Southern Flight Service, and stated that part of their ramp will be taken off; that the area that will have to be filled in under the proposal for Cannon now provides a drain for Southern Flight, and in filling it in it will be raised 5 or 10 feet above Southern Flight's area; therefore, something will have to be done to provide proper drainage. That they understand that the old road across Southern Flight's installation will be closed by the Cannon installation, whereas it now provides an entrance to their ramp; that they understand the relocation of the road will by-pass Southern Flight; therefore, they ask that plans be made to provide a road into their installation. That they pay a base rental of \$500.00 per month, whereas the

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rental set forth in the Cannon lease is less than this amount. That a competent engineer should be employed to draw up plans for the Cannon installation. That they want to know how much money the City is going to invest in the Cannon proposal; about the drainage to Southern Flight property and about their means of ingress and egress, before the lease is approved.

Mr. Boyle stated that Cannon will do everything possible not to do anything to Southern Flight. That as far as the change in the location of the roadway, that is not a proposal in the lease, that it was a projected plan advanced in 1951. That Cannon will put in about \$100,000 installation; that in his opinion they have submitted a fair proposal.

Mr. Yancey, City Manager, stated he does not believe there is a drainage problem that cannot be worked out satisfactorily.

Councilman Baxter moved that the lease with Cannon Aircraft Sales & Service, Inc. for 4½ acre tract lying east of the south end of runway designated as 18 and 36 be approved at the scale of rental set forth in the lease, for a period of 15 years with privilege of renewal, subject to the lease being amended to provide (1) 150 days to complete the work after the bids are received, (2) approval of State Highway Commission to changing the location of the roadway affected by the construction, (3) that the cost of the dirt-fill not exceed \$20,000 and (4) that no part of the land leased to Southern Flight Service is involved in the lease of Cannon Aircraft. The Motion was seconded by Councilman Brown, and unanimously carried.

Mayor Van Every stated it is his understanding that the lease is contingent on the necessary road being built by the State; that the land-fill operation will not exceed \$20,000 and the drainage will be taken care of.

CONSULTING ENGINEER EMPLOYED TO FORMULATE MASTER PLAN FOR AIRPORT.

Councilman Smith asked the City Manager to report on what progress has been made towards securing a Consulting Engineer to develop a Master Plan for the airport.

Mr. Yancey, City Manager, advised that he has interviewed Mr. Joe Norwood and has a proposal from him. That Mr. Norwood was employed by the Civil Aeronautics Administration for nearly thirteen years designing and assisting with airports throughout the southeast. That he was released by the Government under the economy program. That he has had wide experience with the Charlotte Airport during its development and in his opinion Mr. Norwood could save the City money. That he recommends Mr. Norwood without reservation, and so does the Airport Advisory Committee. He stated further that Mr. Norwood's proposal is to develop a Master Plan of the airport for the sum of \$1,500.00 and make the plan available to the Council not later than 75 days after the acceptance of the offer.

Councilman Smith moved that Mr. Norwood be employed to develop a Master Plan of the Airport for the sum of \$1,500.00, to be paid from Airport Reserve Funds. The motion was seconded by Councilman Albea, and unanimously carried.

Councilman Boyd stated that he has asked Mr. Yancey whether in his opinion the proposal of Cannon Aircraft to lease a site at the Airport would fit into the Master Plan, and Mr. Yancey has stated that it undoubtedly would do so. Mr. Yancey stated he is sure that any engineer would say the site requested by Cannon Aircraft is a proper location for a fixed base operation.

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZED TRANSFERRED TO W. J. KING FROM M. L. ELLIOTT FOR THE OPERATION OF VICTORY CAB #125.

Upon motion of Councilman Albea, seconded by Councilman Brown, and unanimously carried, the transfer of the Certificate of Public Convenience and Necessity was authorized to Mr. W. J. King from Mr. M. L. Elliott for the operation of Victory Cab #125, as recommended by the owner of the Victory Cab Company and the City's Taxicab Inspector.

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INTERVENTION IN COMMUNICATION WORKERS STRIKE AGAINST SOUTHERN BELL TELEPHONE COMPANY DENIED.

Mr. John Kluttz, President of Local Communication Workers of America was spokesman for a large delegation of Communication Workers on strike against the Southern Bell Telephone and Telegraph Company requesting the City Council to adopt the following resolution, which he presented:

"WHEREAS, a strike now exists in the telephone industry and negotiations between the Communications Workers of America and the Southern Bell Telephone and Telegraph Company have failed to produce a settlement of differences to the inconvenience of the public.

WHEREAS, the City Council of the City of Charlotte feels that in the public interest there should be a way or method under the laws of our democracy to bring all those concerned in accord.

THEREFORE, BE IT RESOLVED, by the City Council of the City of Charlotte, North Carolina, recognizing the critical condition that exists in the communications industry, and its effect on the public, the Council accordingly recommends that the issues be settled by the recognized and established method of mediation and arbitration and urges all parties to this dispute to accept a mediation or arbitration or other legal and accepted means of closing these disputes which so vitally affect the public.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Communications Workers of America and the Southern Bell Telephone and Telegraph Company, and the two newspapers published in the City of Charlotte."

Mr. Kluttz stated they did not feel they were asking the City Council to take sides with either the Strikers or the Company and they would like to have the issue settled by arbitration.

Mr. A. Stokes King, District Manager of the Southern Bell Telephone Company, appeared before Council stating they had anticipated such action by the Communication Workers of America and the resolution is a pattern which they have followed in all nine states in which Southern Bell operates. That he is appearing to protest the action and ask the Council not to act upon it favorably. That he noticed the resolution referred to the critical situation existing here. That the public is not suffering nor being inconvenienced by the strike; therefore, there is no necessity for the passage of such resolution. He stated further that on last Monday they handled 109.5% of the total business normally handled on Mondays. That in regard to the reference in the resolution as to mediation, that the matter is now in the hands of a Conciliator and has been for some months, and it would be most unwise to tamper with that. That the Company believes in arbitration and the contract with the Communication Workers contains provisions for arbitration. That in their agreement with the Communication Workers arbitration is provided for except those items agreed upon to be excluded in collective bargaining. That as he understands it these workers would submit this immediate problem to arbitration and forever after everything in their contract would be subject to arbitration, which would mean that the Company surrender the fundamental rights of management, and the Company does not propose to do that. For example, the Company does not propose to go into the matter of their pension plan and have it wrecked. That the granting of leaves of absence is excluded from arbitration as is their health and safety regulations; also their air conditioning program, and the matter of the discharge of employees with 12 months service. However, in their effort to settle the present difference, the Company has proposed that the matter of suspension of employees be included in arbitration. That in the proposed no-strike clause, the Company has offered the privilege of arbitration. He stated the Company does not believe that arbitration is any substitute for sound, reasonable collective bargaining. That as the matter is now in the hands of a Conciliator he implores the City Council not to act favorably on the resolution.

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Mr. Kluttz stated he challenges the statement by Mr. King that the telephone service here is now satisfactory. He asked the Council to pass the resolution for the benefit of the public and the employees of the Company.

Councilman Albea moved the adoption of the resolution. The motion lost for lack of a second.

COST ESTIMATE OF REQUESTED SEWER LINE TO SERVE GRIER HEIGHTS DIRECTED MADE BY CITY MANAGER.

Mr. John W. Brooks and Mr. Arthur Grier appeared before Council requesting the cooperation of the Council in securing a playground for Grier Heights. They advised that a 4-acre tract will be donated by Mr. Mason Wallace if the City will extend its sewer lines to serve the area; the sewer would serve property which Mr. Wallace is developing. They advised that the nearest park and playgrounds is 3½ miles distant and there are enrolled in the Billingsville School 279 children who need such facilities. Mr. Marion Diehl, Supt. of the Park & Recreation Commission, was present and stated the location would make a nice park, which is badly needed in the area. Councilman Albea moved that the City Manager make a cost estimate for extending the sewer line and report to Council next week if possible. The motion was seconded by Councilman Dellinger, and unanimously carried.

ADOPTION OF ORDINANCES AUTHORIZING \$9,088,000 BONDS AND OF RESOLUTION CALLING A SPECIAL BOND ELECTION ON MAY 3, 1955.

Ordinances entitled: "An Ordinance Authorizing \$6,000,000 Water Bonds", "An Ordinance Authorizing \$500,000 Sanitary Sewer Bonds", "An Ordinance Authorizing \$750,000 Street Improvements Bonds", "An Ordinance Authorizing \$200,000 Fire Station Bonds", "An Ordinance Authorizing \$698,000 Auditorium Bonds", "An Ordinance Authorizing \$500,000 Public Health Center Bonds", "An Ordinance Authorizing \$190,000 Spastics Hospital Bonds" and "An Ordinance Authorizing \$250,000 Memorial Hospital Planning Bonds" were individually introduced by Councilman Albea and read, and upon motion of Councilman Albea, seconded by Councilman Brown, were individually adopted unanimously. A resolution entitled: "Resolution Calling a Special Bond Election" to be held on Tuesday, May 3, 1955, was then introduced by Councilman Albea and read. Upon motion of Councilman Albea, seconded by Councilman Brown, and unanimously carried, the resolution was adopted. The ordinances and resolution are recorded in full in Ordinance Book 11, beginning at Page 404, and ending at Page 416.

SUBDIVISION PLATS APPROVED.

Motion was made by Councilman Albea, seconded by Councilman Smith, and unanimously carried, approving the following subdivision plats:

- (a) Plat of Green Acres Subdivision.
- (b) Plat of Revision of Plans for Property at Eastway Drive and Shamrock Road.

CONNECTION OF PRIVATE SANITARY SEWER LINES TO CITY'S SANITARY SEWERAGE SYSTEM APPROVED.

Councilman Albea moved approval of the request of Atando Industries, Inc. to connect 9,452 feet of private sanitary sewer lines, to be constructed outside the city limits, 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.

CONSTRUCTION OF SANITARY SEWER MAINS APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Smith, and unanimously carried, the construction of sanitary sewer mains was authorized as follows:

- (a) 1,950 feet of sewer main in LaSalle Street and Southwest Boulevard at an estimated cost of \$3,450.00, at request of C. D. Spangler Construction Company. All costs to be borne by the City and applicant's deposit of the full amount to be refunded as per terms of the contract.

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- (b) 2,616 feet of trunk sewer and sewer mains in University Park, at an estimated cost of \$11,550.00, at request of C. D. Spangler Construction Company. All costs to be borne by the City, and applicant's deposit of the full amount to be refunded as per terms of the contract.
- (c) 72 feet of sewer main in Stratford Avenue, at an estimated cost of \$400.00, to serve 2 family units and 1 vacant lot, at request of Marsh Realty Company. All costs to be borne by the City.
- (d) 76 feet of sewer main in West Boulevard, at an estimated cost of \$150.00, at request of Charles B. Parks. All costs to be borne by the City.

CONTRACTS FOR INSTALLATION OF WATER MAINS AUTHORIZED WITH ATLANTIC INVESTMENT CORP. AND WITH C. D. SPANGLER CONSTRUCTION COMPANY.

Motion was made by Councilman Dellinger, seconded by Councilman Albea, and unanimously carried, authorizing contracts for the installation of water mains as follows:

- (a) Contract with Atlantic Investment Corporation for the installation of 7,100 feet of water mains in Carolina Estates Subdivision, at an estimated cost of \$18,400.00. The applicant to pay all cost and own the mains until the territory is taken into the City.
- (b) Contract with C. D. Spangler Construction Company for the installation of 6,885 feet of water mains in University Park, at an estimated cost of \$16,100.00. The City to finance all costs, and applicant will guarantee a gross annual water revenue equal to 10% of the construction cost.

CONTRACT AWARDED SHEPHERD BROS. INC. FOR WATER BILL FORMS.

Councilman Brown moved that contract be awarded the low bidder, Shepherd Bros. Inc., for 400,000 City of Charlotte Water Bill Forms, as per specifications, at a net delivered price of \$1,397.60. The motion was seconded by Councilman Albea, and unanimously carried.

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

Motion was made by Councilman Smith, seconded by Councilman Dellinger, and unanimously carried, awarding contract to the low bidder, H. E. Pennigar Company, for 16,000 lineal feet of 4-inch single-hub and 1,000 lineal feet of 4-inch double-hub, cast iron soil pipe, as specified, on a unit price basis, representing a total price of \$9,393.40, less cash discount of \$187.87, or a net delivered price of \$9,205.53.

CONTRACTS AWARDED FOR TRAFFIC SIGNAL EQUIPMENT FOR INTERSECTION OF INDEPENDENCE AND WILKINSON BOULEVARDS.

Upon motion of Councilman Dellinger, seconded by Councilman Brown, and unanimously carried, contracts were awarded as follows for traffic signal equipment for the intersection of Independence and Wilkinson Boulevards:

SECTION II. Contract awarded Traffic Engineers Supply Corp, for Five 2-traffic phase full traffic actuated controllers in type "D" cabinet, wood pole mounting, as specified and three directional detector relays, as specified, at a total net delivered price of \$3,611.50.

SECTION III. Contract awarded the low bidder, Traffic Engineers Supply Corp. for 37, 6-ft. and 2, 8-ft. Non-directional Vehicle Detectors, all as specified, at a total net delivered price of \$6,295.20.

SECTION IV. Contract awarded the low bidder, Eagle Signal Corp. for Six 6-ft. and Two 8-ft. Directional Vehicle Detectors, all as specified, at a total net delivered price of \$1,437.00.

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COUNCILMAN BOYD ABSENT FOR REMAINDER OF SESSION.

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

LOCAL GOVERNMENT COMMISSION DIRECTS HEARING BE HELD IN CONNECTION WITH PROPOSED ISSUES FOR MEMORIAL HOSPITAL PLANNING BONDS AND SPASTIC HOSPITAL BONDS.

Mr. John D. Shaw, City Attorney, stated that he has been advised by the Local Government Commission that no protest has been filed as to the Bond Issues in the May 3rd election; however, they desire a hearing on the feasibility of the issuance of the Memorial Hospital Planning Bonds and the Spastics Hospital Bonds.

CLAIM OF MRS. H. J. DUNAVANT FOR ALLEGED UNAUTHORIZED USE OF PROPERTY BY CITY REFERRED TO CITY ATTORNEY.

Upon motion of Councilman Albea, seconded by Councilman Dellinger, and unanimously carried, the claim of Mrs. H. J. Dunavant, filed by her attorneys Henderson & Henderson, for damages and rent on property adjacent to the rock quarry property for the alleged unauthorized use of the property as a dumping ground for garbage disposal, was referred to City Attorney.

CONTRACT AWARDED ALLEN B. DUMONT LABORATORIES, INC. FOR RADIO MOBILE UNITS FOR POLICE DEPARTMENT CARS.

Motion was made by Councilman Dellinger, seconded by Councilman Smith, and unanimously carried, awarding contract to the low bidder, Allen B. DuMont Laboratories, Inc., for Three MCA-101-B DuMont Radio Units complete with all accessories, as specified, at a total net delivered price of \$1,065.00.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

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

- (a) One 20-ft. and One 25-ft. driveway at 1920 West Morehead St.
- (b) One 24-ft. driveway at 300 S. Graham Street.
- (c) Extend present 16-ft. driveway 14-ft. making a total 30-ft. driveway on East 7th Street and extend present 18-ft. driveway 12-ft. making a 30-ft. driveway on East 7th Street, both for 1316 East 7th Street.

RENEWAL OF SPECIAL OFFICER PERMITS TO JOHN W. KAY AND E. C. SULLIVAN ON THE PREMISES OF LANCE, INC. AUTHORIZED.

Councilman Brown moved approval of the renewal of Special Officer Permits to John W. Kay and E. C. Sullivan on the premises of Lance, Inc. The motion was seconded by Councilman Albea, and unanimously carried.

RESOLUTION IN MEMORY OF HAROLD N. SUTTON.

Upon motion of Councilman Dellinger, seconded by Councilman Albea, and unanimously carried, the following resolution was unanimously adopted:

"RESOLUTION IN MEMORY OF HAROLD NELSON SUTTON

✓ WHEREAS, in the Providence of the Almighty God, He has seen fit to call from this temporal life to rest, Harold Nelson Sutton; and

WHEREAS, through the passing of Mr. Sutton, the City of Charlotte has lost a faithful and valuable public servant who will be sorely missed. His loyalty to his employers during his twenty years with the City of Charlotte and his devotion to service to the public, tells the story of a full and gracious life of service; and

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WHEREAS, it is with a deep knowledge of the great loss to ^{The County} ~~the City of Charlotte~~, that we mourn his passing and honor his memory.

NOW, THEREFORE, BE IT RESOLVED that we, the members of the City Council of the City of Charlotte, North Carolina, extend to his family our deepest sympathy and pray God's blessings to rest upon them.

AND FURTHER, that a copy of this resolution be spread upon the Minutes of this meeting of the City Council, a copy sent to his family, and copies furnished to the newspapers in the City of Charlotte."

RESOLUTION IN MEMORY OF JAMES M. MUNDAY.

Motion was made by Councilman Brown, seconded by Councilman Smith, and unanimously carried, authorizing the adoption of the following resolution:

"RESOLUTION IN MEMORY OF JAMES McGEE MUNDAY

WHEREAS, in the Providence of the Almighty God and in His Divine Wisdom, He has called James McGee Munday from the Church Militant to the Church Triumphant; and

WHEREAS, in the passing of Mr. Munday, the city government lost one of its most valuable employees. His devotion to duty during the thirty-one years of service with the Charlotte Fire Department, his kindly consideration and tact with the public, his loyalty to his employers and cooperation with his fellow-workers, carved for him a lasting place in our minds and hearts; and

WHEREAS, it is with a deep knowledge of the great loss to the City of Charlotte, that we mourn his passing and honor his memory.

NOW, THEREFORE, BE IT RESOLVED that we, the members of the City Council of the City of Charlotte, North Carolina, extend to his family our deepest sympathy and pray God's blessings to rest upon them.

AND FURTHER, that a copy of this resolution be spread upon the Minutes of this meeting of the City Council, a copy sent to his family, and copies furnished to the newspapers in the City of Charlotte."

RIGHTS-OF-WAY PURCHASED FOR WATER MAIN FROM VEST STATION TO SOUTH TRYON STREET.

Upon motion of Councilman Albea, seconded by Councilman Smith, and unanimously carried, the following rights-of-way were authorized purchased for the construction of the 36-inch water line from Vest Station to South Tryon Street:

- (a) Strip of land 30-ft. wide for a distance of 224.21 feet from S. A. Leslie and wife, at \$1,500.00.
- (b) Strip of land 30-ft. wide for a distance of 129.84 feet from Mecklenburg Baptist Association Board, at \$1,500.00.
- (c) Strip of land 30-ft. wide for a distance of 68.34 feet from J. H. Bennett and wife, at \$1,000.00.
- (d) Strip of land 26-ft. wide for a distance of 150.32 feet from Mary A. Funderburk, widow, at \$5,800.00.

ADJOURNMENT.

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

Lillian R. Hayman
City Clerk