

May 22, 1957  
Minute Book 37 - Page 160

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, May 22, 1957, 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

-----

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Dellinger, seconded by Councilman Wilkinson, and unanimously carried, the Minutes of the last meeting on May 15th were approved as submitted.

ATTORNEYS REPUDIATE STATEMENT RELATIVE TO ABILITY OF BASIL M. BOYD AS JUDGE OF CITY RECORDER'S COURT.

Mr. A. A. Bailey, Attorney, appeared before Council and presented the following statement:

"TO WHOM IT MAY CONCERN:

We, the undersigned lawyers of the Mecklenburg Bar, who have had occasion to appear in the City Recorder's Court of the City of Charlotte for the past two years, during the term of Honorable Basil M. Boyd as Judge of said Court, have had it brought to our attention that at the meeting of the Charlotte City Council held in the City Hall Council Chamber on the morning of May 15, 1957, a member of the Council, to-wit, Mrs. Martha Evans, at the time Judge Boyd was reappointed for another two year term with the votes of six of the seven (Mrs. Evans being the only dissenter), the said Mrs. Evans made the statement, "Judge Boyd did not have the judicial temperament nor wisdom to preside over the municipal court". We desire to state in writing that Judge Basil M. Boyd has conducted the affairs of this Court in a most excellent manner, he is possessed of judicial temperament that makes him fit and suitable not only to be a City Court Judge but to occupy the Judgeship of the Superior Court, and could well serve the people of North Carolina as a member of our Supreme Court; he is an experienced lawyer, possessed of great legal learning and

May 22, 1957  
Minute Book 37 - Page 161

knowledge, deliberate in his decisions, capable in every respect for the position which he holds, and a gentleman, scholar and lawyer, and the people of Charlotte should consider themselves very fortunate that six of the seven Councilmen returned him to office for another two years.

SIGNED: Peter L. Long  
Joseph C. Travis, Judge pro  
tem

Amon M. Butler  
B. Kermit Caldwell  
John A. West, Jr.  
Sol Levine  
John A. McRea, Jr.  
Samuel M. Millette  
Marvin Lee Ritch  
Charles M. Welling  
Elbert C. Foster  
Richard M. Welling  
Alvin A. London  
Henry E. Fisher  
Ray S. Farris  
Mercer J. Blankenship  
W. H. Scarborough  
Robert L. Scott  
Charles E. Knox  
Warren C. Stack  
Robert G. Sanders

Thos. H. Wyche  
Hugh M. McAulay

B. F. Wellons  
Guy T. Carswell  
T. O. Stennett  
A. A. Bailey  
William T. Grist  
Ralph V. Kidd  
W. K. Covington  
James E. Walker  
B. Irvin Boyle  
Ernest S. DeLaney, Jr.  
Wm. H. Abernethy  
A. B. Fortner  
Charles V. Bell  
Ralph C. Clontz, Jr.  
Winfred R. Ervin  
Richard L. Kennedy  
James F. Justice  
J. M. Scarborough

Mr. Bailey stated that in view of the fact that Mrs. Evans made a public statement, or used her office to make a public statement relative to Judge Boyd, these attorneys feel that since it was unfounded and untrue and was spread upon the Minutes of this Council, and since the said Minutes are open to the public, and the statement was given a considerable amount of publicity, that this statement should be incorporated in the Minutes of today's meeting, or a statement to the effect that it was filed, and requested that this be done.

Councilman Dellinger moved that the statement be incorporated into the Minutes of this meeting. The motion was seconded by Councilwoman Evans, and unanimously carried.

REQUEST THAT ESTABLISHMENT OF NEW OFFICE-INSTITUTION ZONING DISTRICT BE EXPEDITED.

Mr. Robert E. Perry, Jr., Attorney, stated that his client, Pilot Life Insurance Company is interested in constructing an office building on Morehead Street near Arosa Avenue, and they are interested in the proposed new Office-Institution zoning district, which they understand is under consideration by the City Council, and as his client is anxious to erect the building as soon as possible, he asked if the proceedings necessary for the adoption of the ordinance establishing the new district could not be put in motion today to expedite matters.

He was advised that the date of hearing on the proposed ordinance, and on the change in zone of the area in which he is interested, would be fixed today.

RESOLUTION PROVIDING FOR A PUBLIC HEARING ON JUNE 12, 1957 ON ORDINANCE NO. 395 AMENDING THE ZONING ORDINANCE TO ADD A NEW ZONING DISTRICT ENTITLED "OFFICE-INSTITUTION", ADOPTED.

Ordinance No. 395 Amending Chapter 21, Article I, Section 2 of the City Code of the City of Charlotte by Inserting a New Zoning Classification entitled: "OFFICE-INSTITUTION DISTRICTS", was introduced and read. A Resolution Providing for a Public Hearing thereon on June 12, 1957, was then presented and read, and upon motion of Councilman Brown, seconded by Councilman Wilkinson, the resolution was adopted. The resolution is recorded in full in Resolutions Book 3, at Page 69, 70 and 71.

RESOLUTION PROVIDING FOR A PUBLIC HEARING ON JUNE 12, 1957, ON AMENDMENT TO CHAPTER 21, ARTICLE I, SECTION 2, OF THE CITY CODE, BY AMENDING THE BUILDING ZONE MAP OF CHARLOTTE, BY CHANGING THE PROPERTY ON EAST MOREHEAD STREET (FROM THE DILWORTH ROAD BUSINESS DISTRICT TO THE KING'S DRIVE BUSINESS DISTRICT) FROM RESIDENCE 2 TO OFFICE-INSTITUTION, ADOPTED.

Ordinance No. 396 Amending Chapter 21, Article I, Section 2 of the City Code by amending the Building Zone Map of Charlotte, by changing the property on East Morehead Street, from the Dilworth Road Business District to the King's Drive Business District, from Residence-2 to Office-Institution, was introduced and read. A Resolution Providing for a Public Hearing thereon on June 12th was then introduced and read. Councilman Brown moved the adoption of the resolution, which was seconded by Councilman Wilkinson, and unanimously carried. The resolution is recorded in full in Resolutions Book 3, at Page 72 and 73.

RESOLUTION PROVIDING FOR A PUBLIC HEARING ON JUNE 12, 1957 ON AMENDMENT TO CHAPTER 21, ARTICLE I, SECTION 2, OF THE CITY CODE, BY AMENDING THE BUILDING ZONE MAP OF CHARLOTTE, BY CHANGING THE AREA ABOUT PRESBYTERIAN AND MERCY HOSPITALS, INCLUDING PROPERTY ON HAWTHORNE LANE, EAST FOURTH STREET, EAST FIFTH STREET AND CASWELL ROAD, FROM RESIDENCE -2 AND BUSINESS-1 TO OFFICE-INSTITUTION, ADOPTED.

Ordinance No. 397 as Amended, Amending Chapter 21, Article I, Section 2 of the City Code by amending the Building Zone Map of Charlotte, by changing the area about Presbyterian and Mercy Hospitals, including property on Hawthorne Lane, East Fourth Street, East Fifth Street and Caswell Road, from Residence-2 and Business-1 to Office-Institution, was introduced and read. A Resolution Providing for a Public Hearing thereon on June 12th, was then presented and read. Councilman Brown moved the adoption of the resolution, which was seconded by Councilman Wilkinson, and unanimously carried. The resolution is recorded in full in Resolutions Book 3, at Page 74, 75 and 76.

RESOLUTION PROVIDING FOR A PUBLIC HEARING ON JUNE 12, 1957 ON AMENDMENT TO CHAPTER 21, ARTICLE I, SECTION 2, OF THE CITY CODE, BY AMENDING THE BUILDING ZONE MAP OF CHARLOTTE, BY CHANGING THE PROPERTY ON INDEPENDENCE BOULEVARD, FROM WATERMAN AVENUE TO BRIAR CREEK ROAD, FROM RESIDENCE-1 TO OFFICE-INSTITUTION, ADOPTED.

Ordinance No. 398 Amending Chapter 21, Article I, Section 2 of the City Code by amending the Building Zone Map of Charlotte, by changing the property on Independence Boulevard, from Waterman Avenue to Briar Creek Road, from Residence-1 to Office-Institution, was introduced and read. A Resolution Providing for a Public Hearing thereon on June 12th, was then presented and read. Councilman Brown moved the adoption of the resolution, which was seconded by Councilman Wilkinson, and unanimously carried. The resolution is recorded in full in Resolutions Book 3, at Page 77.

RESOLUTION EXPRESSING APPRECIATION WITH RESPECT TO THE CITY LIMITS EXTENSION BILL.

A resolution entitled: "Resolution Expressing Appreciation with Respect to the City Limits Extension Bill" was introduced by Councilman Baxter and read. Upon motion of Councilman Baxter, seconded by Councilwoman Evans, and unanimously carried, the resolution was adopted. The resolution is recorded in full in Resolutions Book 3, at Page 78.

APPOINTMENT OF LOUIS ASBURY AS ARCHITECT FOR PROPOSED FIRE STATION.

Councilman Brown moved the appointment of Mr. Louis Asbury as architect for the proposed new Fire Station to work with officials of the Fire Department in selecting a site. The motion was seconded by Councilman Wilkinson, and unanimously carried.

ESTIMATE OF COST OF OPENING STREET WHICH DEADENDS AT SEDGEFIELD JUNIOR HIGH SCHOOL.

Councilman Brown stated that at the end of Dorchester Place, which deadends at Poindexter Drive, there is a street that deadends at Sedgefield Junior High School and cuts through the School property. That the P.T.A. and School Board are willing to relocate the turn-around if the City will open up the street.

Councilman Dellinger stated there are several such streets in Charlotte and he would like a list made of them and consider Councilman Brown's request along with the others. Councilman Brown asked that the cost estimate be obtained on his request and the matter could then be discussed further.

REPORT OF MAYOR'S COMMITTEE ON GRAND JURY'S REPORT CONCERNING CONDITION OF CITY JAIL.

Councilman Brown made the following report for <sup>the</sup> ~~the~~ <sup>appointed</sup> Committee, composed of himself and Councilmen Baxter and Dellinger, to make an inspection of the City Jail, following a release by the Grand Jury that conditions were not what they should be:

"REPORT OF MAYOR'S COMMITTEE ON GRAND JURY'S REPORT CONCERNING CITY JAIL

Your Committee met with reference to the above subject at the Police Department on Thursday, May 16, 1957. We were conducted on an inspection tour of the entire Police facilities, particularly the jail, by Lt. James B. Stegall and Mr. Oliver Overcash, the two same officers who conducted the Grand Jury through the jail on May 7, 1957.

In answer to the Grand Jury's complaints-

1.. We found the jail exceptionally clean. A certain amount of rust under the moisture proof mattresses appears to be dirt, but is not and cannot be removed. Toilet bowls and wash basins were in good condition. New mattresses have been placed on all bunks. These were the ones noted by the Grand Jury as being storage at the time of their visit, and they saw only the old worn mattresses on the bunks.

The storage areas are in good condition. Plumbing room and Boiler room were found to be unused spaces where old antiquated plumbing pipes are and there is no boiler room, the jail being furnished heat from the City Hall plant.

2.. It is recommended that acreens be installed in the Jail area.

We find that this is not feasible since there are no screens at all in the Police Department Building. Both rear and side doors of the Police Department are wide open, and if screens were installed they would be ineffective. However, a large suction fan makes it unnecessary for the screening as recommended.

3.. It is recommended that prisoners be used for cleaning the jail.

This is unlawful and impossible. Prisoners being placed in the City jail have not been tried or convicted. As soon as they are convicted, they are processed over to the County Jail.

SUMMARY.

We feel that the Police Department is to be commended for an excellent job in maintaining the jail considering the type of prisoners brought in in all manner of conditions.

May 22, 1957

Minute Book 37 - Page 165

According to the records, an average of four or five groups of school children, Boy Scouts and Girl Scouts, visit and inspect the jail every week without prior notice. The State Inspector makes periodic unannounced visits. Therefore, we are in the belief that the jail is maintained in good condition, as we saw it, at all times.

Herman A. Brown  
Chairman

Steve W. Dellinger

Herbert H. Baxter "

Councilwoman Evans asked what time the inspection was made, to which Councilman Brown replied, "4 p.m." She then asked if it was made by appointment or unannounced? Councilman Brown stated the Jailor did not know the Committee was coming but Chief Littlejohn did. He stated further that Chief inspects the Jail twice a week. Councilman Dellinger stated he did not think there was any unusual cleaning of the Jail prior to their visit. Councilman Brown explained in detail the condition of the cells and facilities. Councilman Foard moved that the report be accepted and incorporated into the Minutes of the meeting. The motion was seconded by Councilman Dellinger, and unanimously carried.

#### REPORT AS TO DEPOSIT OF CITY FUNDS IN VARIOUS BANKS REQUESTED.

Councilman Foard stated there has been some discussion around town regarding the amounts of City funds deposited in the various banks and that favoritism is shown to some banks, and he suggested that a report be secured from the City Treasurer as to such deposits.

Mayor Smith appointed a Committee, composed of Councilmen Foard, Albea and Dellinger to obtain the information and bring a report to the Council.

RESOLUTION PROVIDING FOR A PUBLIC HEARING ON JUNE 12TH ON ORDINANCE NO. 388 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE, BY AMENDING BUILDING ZONE MAP OF CHARLOTTE PERIMETER AREA BY CHANGING THE PROPERTY AT THE NORTHWEST CORNER OF PARK ROAD AND WOODLAWN ROAD FROM RESIDENCE-2 TO BUSINESS-1, ADOPTED.

Ordinance No. 388 Amending Chapter 21, Article II, Section 5 of the City Code, by amending the Building Zone Map of the Charlotte Perimeter Area, by changing the property located at the northwest corner of Park Road and Woodlawn Road from Residence-2 to Business-1, on petition of R. E. Gifford and Arthur C. Garrison, was introduced and read. A Resolution Providing for a Public Hearing thereon on June 12th was then presented and read. Councilman Albea moved the adoption of the resolution, which was seconded by Councilman Brown, and unanimously carried. The resolution is recorded in full in Resolutions Book 3, at Page 79.

RESOLUTION PROVIDING FOR A PUBLIC HEARING ON JUNE 12TH ON ORDINANCE NO. 389 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE, BY AMENDING BUILDING ZONE MAP OF CHARLOTTE, BY CHANGING THE PROPERTY AT NORTHEAST CORNER OF COLISEUM DRIVE AND MARGARET AVENUE FROM RESIDENCE-1 AND RESIDENCE-2 TO BUSINESS I-A, ADOPTED.

Ordinance No. 389 Amending Chapter 21, Article I, Section 2, of the City Code, by amending the Building Zone Map of Charlotte, by changing the property located at the northeast corner of Coliseum Drive and Margaret Avenue from Residence-1 and Residence-2 to Business I-A, on petition of D.L. Phillips, President, Coliseum Motor Court, Inc., was introduced and read. A Resolution Providing for a Public Hearing thereon on June 12th was then presented and read. Councilman Albea moved the adoption of the resolution, which was seconded by Councilman Brown, and unanimously carried. The resolution is recorded in full in Resolutions Book 3, at Page 80.

RESOLUTION PROVIDING FOR A PUBLIC HEARING ON JUNE 12TH ON ORDINANCE NO. 390 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE, BY AMENDING BUILDING ZONE MAP OF CHARLOTTE BY CHANGING THE PROPERTY AT THE NORTHEAST CORNER OF SOUTH CECIL STREET AND INDEPENDENCE BOULEVARD FROM RESIDENCE-2 TO BUSINESS-2, ADOPTED.

Ordinance No. 390 Amending Chapter 21, Article I, Section 2, of the City Code, by amending the Building Zone Map of Charlotte, by changing the property at the northeast corner of South Cecil Street and Independence Boulevard from Residence-2 to Business-2, on petition of John M. Dwelle, was introduced and read. A Resolution Providing for a Public Hearing thereon on June 12th was then presented and read. Upon motion of Councilman Albea, seconded by Councilman Brown, and unanimously carried, the resolution was adopted. The Resolution is recorded in full in Resolutions Book 3, at Page 81.

RESOLUTION PROVIDING FOR A PUBLIC HEARING ON JUNE 12TH ON ORDINANCE NO. 391 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE, BY AMENDING THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING THE PROPERTY ON BRUNSWICK AVENUE BETWEEN KING'S DRIVE AND ARDSLEY ROAD FROM RESIDENCE-1 TO RESIDENCE-2, ADOPTED.

Ordinance No. 391 Amending Chapter 21, Article I, Section 2 of the City Code by amending the Building Zone Map of Charlotte, by changing the property on Brunswick Avenue, between King's Drive and Ardsley Road, from Residence-1 to Residence-2, on petition of E. C. Griffith, was introduced and read. A Resolution Providing for a Public Hearing thereon on June 12th was then presented and read. Councilman Albea moved the adoption of the resolution, which was seconded by Councilman Brown, and unanimously carried. The resolution is recorded in full in Resolutions Book 3, at Page 82.

May 22, 1957  
Minute Book 37 - Page 167

RESOLUTION PROVIDING FOR A PUBLIC HEARING ON JUNE 12TH ON ORDINANCE NO. 392 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE BY AMENDING THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING THE PROPERTY ON THE EAST SIDE OF BEATTIES FORD ROAD, BETWEEN LINCOLN BOULEVARD AND ST. LUKE STREET, FROM RESIDENCE-1 TO BUSINESS-1, ADOPTED.

Ordinance No. 392 Amending Chapter 21, Article I, Section 2 of the City Code by amending the Building Zone Map of Charlotte, by changing the property on the east side of Beatties Ford Road, between Lincoln Boulevard and St. Luke Street, from Residence-1 to Business-1, on petition of C. W. Withers, was introduced and read. A Resolution Providing for a Public Hearing thereon on June 12th was then presented and read, and upon motion of Councilman Albea, seconded by Councilman Brown, and un-animously carried, was adopted. The resolution is recorded in full in Resolutions Book 3, at Page 83.

RESOLUTION PROVIDING FOR A PUBLIC HEARING ON JUNE 12TH ON ORDINANCE NO. 393 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE, BY AMENDING THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING THE PROPERTY LOCATED IN THE 2800 BLOCK OF PLAZA ROAD FROM RESIDENCE-2 TO BUSINESS-1 ON APPEAL OF PLAZA ROAD RESIDENTS FROM THE DECISION OF THE PLANNING COMMISSION.

Ordinance No. 393 Amending Chapter 21, Article I, Section 2 of the City Code by amending the Building Zone Map of Charlotte, by changing the property in the 2800 block of Plaza Road from Residence-2 to Business-1, on appeal of Plaza Road Residents from the decision of the Planning Commission denying the request, was introduced and read. A Resolution Providing for a Public Hearing thereon on June 12th was then presented and read, and upon motion of Councilman Albea, seconded by Councilman Brown, and unanimously carried, the resolution was adopted. The resolution is recorded in full in Resolutions Book 3, at Page 84 and 85.

RESOLUTION PROVIDING FOR A PUBLIC HEARING ON JUNE 12TH ON ORDINANCE NO. 394 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE, BY AMENDING THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING THE PROPERTY LOCATED ON HANSON DRIVE, BETWEEN BRIARWOOD ROAD AND HARPER AVENUE, FROM RESIDENCE-1 TO RESIDENCE-2 ON APPEAL OF C. H. SEARS AND E. M. CLARK FROM THE DECISION OF THE PLANNING BOARD DENYING THE REQUEST, ADOPTED.

Ordinance No. 394 Amending Chapter 21, Article I, Section 2 of the City Code by amending the Building Zone Map of Charlotte, by changing the property located on Hanson Drive, between Briarwood Road and Harper Avenue from Residence-1 to Residence-2, on appeal of C. H. Sears and E. M. Clark from the decision of the Planning Commission denying the request, was introduced and read. A Resolution Providing for a Public Hearing on June 12th thereon, was introduced and read. Councilman Albea moved the adoption of the resolution, which was seconded by Councilman Brown, and unanimously carried. The resolution is recorded in full in Resolutions Book 3, at Page 86.

RESOLUTION WITH RESPECT TO THE EXTENSION OF SERVICE WITH THE CITY OF CHARLOTTE OF CERTAIN EMPLOYEES SIXTY-FIVE YEARS OLD OR OLDER.

A resolution entitled: "Resolution With Respect to the Extension of Service with the City of Charlotte of Certain Employees Sixty-five Years Old Or Older", was introduced and read, and upon motion of Councilman Dellinger, seconded by Councilman Brown, was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 87.

STREETS TAKEN OVER FOR MAINTENANCE.

Upon motion of Councilman Wilkinson, seconded by Councilman Albea, and unanimously carried, the following streets were taken over for maintenance by the City:

- (a) West 32nd Street, from N. Tryon Street to 685 feet west of North Poplar Street.
- (b) North Poplar Street, from West 32nd Street south 600 feet.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

Motion was made by Councilman Albea, seconded by Councilman Wilkinson, and unanimously carried, authorizing the construction of driveway entrances at the following locations:

- (a) Two 35-ft. driveway entrances at 1621 Hutchinson Avenue.
- (b) One 20-ft. driveway entrance at 627 N. Tryon Street.
- (c) One 30-ft. driveway entrance at 2721 Whiting Avenue.
- (d) One 30-ft. driveway entrance on State Street for 319 Woodland Avenue.

TRANSFER OF CEMETERY LOT.

Upon motion of Councilman Albea, seconded by Councilman Brown, and unanimously carried, the Mayor and City Clerk were authorized to execute a deed with Mr. Melvin A. Clippard and wife, for the transfer of Oaklawn Cemetery Lot 189, Section 6, at a price of \$150.00.

May 22, 1957  
Minute Book 37 - Page 169

CITY SOLICITOR AUTHORIZED TO ATTEND REGIONAL TRAFFIC COURT CONFERENCE AT FORDHAM UNIVERSITY, IN NEW YORK, JUNE 3RD THROUGH 7TH, AND FUNDS TRANSFERRED FROM EMERGENCY FUND TO PAY EXPENSES.

Upon motion of Councilman Dellinger, seconded by Councilman Wilkinson, and unanimously carried, Mr. George J. Miller, City Solicitor was authorized to attend the Regional Traffic Court Conference at Fordham University in New York City, June 3rd through 7th, and the transfer of \$250.00 was authorized from the Emergency Fund (Code 110) to cover the expenses.

ADJOURNMENT.

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

Lillian R. Hoffman  
Lillian R. Hoffman, City Clerk