

The 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, October 19, 1959, at 3 o'clock p.m., with Chairman pro tem Babcock presiding and Councilmen Albea, Dellinger, Myers, Smith and Whittington being present.

ABSENT: Mayor Smith and Mayor pro tem Hitch.

Planning Board members Sibley, Chairman and Ervin, Hanks, Marsh, McClure, Schwartz and Toy being present.

ABSENT: Commissioners Craig, Hook and Wilkinson.

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#### INVOCATION.

The invocation was given by Councilman Claude L. Albea.

#### MINUTES APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Albea, and unanimously carried, the Minutes of the last meeting on October 12th were approved as submitted. Councilman Dellinger asked that the motion to appoint Mr. Robert A. Earle as Personnel Director be stricken from the Minutes in order to keep the record straight, as this appointment is made by the City Manager and not the City Council.

HEARING ON PETITION OF L. N. BROWN ET AL FOR CHANGE IN ZONING OF PROPERTY ON WEST SIDE OF YORK ROAD, SOUTH OF CLANTON ROAD, FROM R-2 TO INDUSTRIAL, IN THE PERIMETER AREA AS SET FORTH IN ORDINANCE NO. 623.

The public hearing was held on Ordinance No. 623 Amending the Zoning Ordinance to amend the Building Zone Map of the Perimeter Area by changing property on the west side of York Road, south of Clanton Road, from R-2 to Industrial, on petition of L. N. Brown, et al.

Factual information as to the property and surrounding area was presented by Mr. McIntyre, Planning Director, who stated the property has a frontage of 950 feet on York Road; that the area is developed residentially with the exception of a trailer camp on the adjacent property and across York Road there is an industrial zone.

Mr. David Craig, representing the petitioner stated he understands the Council felt this property should be rezoned Industrial last June when the property directly across York Road was so zoned; however, the necessary legal steps had not been taken at that time. He called attention that York Road is heavily traveled and will be a multiple-lane road, and to continue to restrict the use of this property is not justified and the owners should be allowed to utilize it for its highest and best use.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for one week.

HEARING ON PETITION OF FANNIE L. KEISTLER FOR CHANGE IN ZONING OF PROPERTY SOUTH OF INTERSTATE #85, WEST OF THE SAL RAILWAY PROPERTY, FROM R-2 TO INDUSTRIAL, IN THE PERIMETER AREA, AS SET FORTH IN ORDINANCE NO. 624.

The scheduled hearing was held on Ordinance No. 624 Amending the Zoning Ordinance to amend the Building Zone Map of the Perimeter Area by changing property south of Interstate #85, west of the SAL Railway property, from R-2 to Industrial, on petition of Fannie L. Keistler.

Mr. R. B. McClure, member of the Planning Board, who has an interest in McClure Land Company, who wishes to develop the property, excused himself from the hearing on the petition.

Mr. McIntyre, Planning Director, stated the property is east of US-29 Bypass, is triangular in shape, and is adjoined on the north by vacant land and on the south by vacant land and residences and that the surrounding area is predominantly residential.

Mr. Don McClure, representing McClure Land Company, stated a large area of land to the northeast of the tract in question is zoned Industrial, to the south there is a sub-standard housing area and to the rear a hog farm. That they plan to build a brick warehouse on the front portion of the property and later develop the remainder of the property similarly. That the property is not suitable for residential use, but for a warehouse it is ideal as it is easily accessible from the highway and is also served by a service road.

Mr. Shaw, City Attorney, asked if a B-2 zone would not be acceptable and serve their need? Mr. McClure stated it would.

No opposition was expressed to the proposed zoning.

Council decision was deferred for one week.

HEARING ON PETITION OF EASTHAVEN DEVELOPMENT CORPORATION FOR CHANGE IN ZONING OF PROPERTY ON ALBEMARLE ROAD, NEAR LANSDALE DRIVE, FROM RURAL TO B-1, IN PERIMETER AREA, AS SET FORTH IN ORDINANCE NO. 625.

The public hearing was held on Ordinance No. 625 Amending the Zoning Ordinance to amend the Building Zone Map of the Perimeter Area, by changing property on Albemarle Road, near Lansdale Drive, from Rural to B-1, on petition of Easthaven Development Corporation.

A map of the property and surrounding area was presented by the Planning Director, who stated the property is located on the north side of Lansdale Drive and is 175 feet deep by 150 feet in width and vacant and undeveloped. That it is adjoined by a residential area, that at the intersection with Windsor Road there is a business area, and across Albemarle Road is the entrance to a Cemetery. That on the east side is the rear line of residences fronting on Lansdale Drive.

Mr. Ray Rankin, attorney for the petitioner, filed a petition signed by ten persons stating they do not oppose the erection of a shopping center on Albemarle Road by Easthaven Development Corp. and a letter from Mr. R. Edwin Wilson, 4421 Albemarle Road approving the rezoning of the property. Mr. Rankin stated there is an outdoor theatre and a golf course and a B-1 zoned area, a duplex development, a 4-family apartment, a residence in the yard of which the owner operates an electrical business, a cemetery, and three other residences in the immediate area. That the petitioner wishes to erect a set of first-class retail outlets on the property. He stated that some type of buffer could be arranged between the property and the residential area.

Mr. Kermit Caldwell, attorney for the opposition, introduced Mr. R. H. Griffin, Mr. Ernest Blackwell, Mr. W. R. Dulin and Mr. DeWitt Prather, residents of Darby Acres adjoining the property in question and developed by the petitioner, each of whom stated they were promised by Mr. D. E. Allen, President of Easthaven Development Corp. when they purchased their homes that the area would be developed with only one-family residences. That he later erected the duplex and the apartment house and now is requesting the rezoning of other property for the erection of stores. That it is unfair to the many persons who purchased homes from him and will devalue their property.

Mr. Caldwell filed a petition signed by a large number of residents in the area opposing the change in zoning as it would constitute an intrusion in a residential area and adversely affect their property, and that a shopping center is not needed as one has already been established a short distance away, and stating they constitute 20% of the property owners immediately in front of and to the rear of the property in question.

Mr. Caldwell stated the explanation of the development of the surrounding area and the pictures submitted by Mr. Rankin are misleading, as they ignore Darby Acres, a large residential area of beautiful homes. That there is no need for a shopping center as there is one 8/10 of a mile from the property, at the intersection of Eastway Drive; that the only reason the petitioner wishes the zoning changed is to make a profit at the expense of the persons to whom he sold home-sites. That the rezoning will do violence to every code of ethics for the orderly development of Charlotte. He called attention to the sign at the entrance to Darby Acres stating "FHA Loans, Restricted Area".

Mr. Wallace Gibbs stated he is a Real Estate Appraiser and Appraiser for the FHA and has made a study of the area and thinks a shopping center is needed in this area; that only three residences could be affected by the rezoning and the owners have stated they have no objections.

Council decision was deferred for one week.

HEARING ON PETITION OF OLIVER J. DAVIS FOR CHANGE IN ZONING OF PROPERTY ON WEST SIDE OF REMOUNT ROAD, NEAR PARKER DRIVE, FROM R-2 TO B-1, AS SET FORTH IN ORDINANCE NO. 626.

The public hearing was held on Ordinance No. 626 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte, by changing property on the west side of Remount Road, near Parker Drive, from R-2 to B-1, on petition of Oliver J. Davis.

Mr. McIntyre, Planning Director, stated the property is 250 ft. by 250 ft., and is vacant land; that there are two residential establishments across the street and other residences on both sides of Remount Road.

Mr. Thos. Lockhart, Attorney for the petitioner, stated the property consists of  $1\frac{1}{2}$  acres and is part of a 4 acre tract that has been in the family of Mr. Davis for many years; that at the rear of the property is the Parker Estate property, which has been in their family for more than 50 years. That the area on the west of the lot is zoned Industrial, on the north there is a 28 acre tract also zoned Industrial, and Duke Power Company has a large sub-station nearby on Remount Road. That the petitioner wishes to develop the property with a service station and small business houses. That the residents of the area have been advised of the requested rezoning and none have offered any objections.

No opposition was expressed to the change in zoning. Council decision was deferred one week.

HEARING ON PETITION OF W. O. FLOWE FOR CHANGE IN ZONING OF PROPERTY ON THE EAST SIDE OF BERRYHILL STREET, SOUTH OF STATE STREET, FROM R-2 TO INDUSTRIAL AS SET FORTH IN ORDINANCE NO. 627.

The scheduled hearing was held on Ordinance No. 627 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte by changing property on the east side of Berryhill Street, south of State Street, from R2 to Industrial, on petition of W. O. Flowe.

Factual information as to the property and surrounding area was given by Mr. McIntyre, Planning Director, who stated the property is 350 ft. in length and 160 ft. deep and is vacant; that it is adjoined by a school and residences; that with the exception of a small repair shop across the street, the area is residentially developed. That a 40-ft. strip fronting on Bond Street is already zoned Industrial.

No opposition was expressed to the proposed zoning change.

Council decision was deferred for one week.

HEARING ON PETITION OF DUKE POWER COMPANY FOR CHANGE IN ZONING OF PROPERTY OF P & N RAILWAY COMPANY WEST OF PARKWAY AVENUE, FROM R-2 TO INDUSTRIAL, AS SET FORTH IN ORDINANCE NO. 628.

The public hearing was held on Ordinance No. 628 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte by changing property of the P & N Railway Company west of Parkway Avenue, from R-2 to Industrial, on petition of the Duke Power Company.

Mr. McIntyre, Planning Director, stated the property lies between Tuckaseegee Road and the P&N Railway and extends 1,200 feet along the Railway; that the property is vacant and is surrounded by residential developments and some vacant land.

Mr. John Hicks, Attorney for the petitioner, stated that all of Duke Power property in this area is zoned Industrial with the exception of the property in question and has been owned by the Power Company since 1916. That it was used for years as Lakeview Park and has remained unused for many years. That the 360-ft. strip of property that is zoned Industrial is not sufficient for their private use and the property in question is also needed.

Mr. Frank Rankin, Attorney representing the opposition, filed two petitions protesting the change; he stated the petition is signed by 100% of the property owners on Parkway Avenue and 173 property owners on Gibson Street, together with many on other streets in the immediate area, who feel their property will be adversely affected by the change in zoning. That so long as Duke Power owns the property it will not be developed residentially and the street opened, as it should be but if they would release it for residential use it could be developed into an attractive area. Mr. Rankin stated he believes the petitions come within the 20% rule of opposition.

Council decision was deferred for one week.

HEARING ON PETITION OF F.W.A. CAMPBELL AND WIFE FOR CHANGE IN ZONING OF PROPERTY AT 1511 EAST 7TH STREET, FROM R-2 TO OFFICE-INSTITUTION, AS SET FORTH IN ORDINANCE NO. 629.

The scheduled hearing was held on Ordinance No. 629 Amending the Zoning

Ordinance to amend the Building Zone Map of Charlotte by changing property at 1511 East 7th Street, from R-2 to Office-Institution, on petition of F.W.A. Campbell and wife.

Factual information as to the property and surrounding area was given by Mr. McIntyre, Planning Director, who stated the property consists of one lot fronting on East 7th Street between Beaumont and Louise Avenues; that it is adjoined by apartments and single-family residences.

Mr. Campbell, the petitioner, stated the block in which his property is located and the adjoining block are the only blocks on 7th Street from Tryon Street to Pecan Avenue, a distance of a mile, that have not been rezoned for business. That he has resided on this property for 20 years and is now surrounded by business and he wishes to develop his property for business and move to a quieter area, as this is no longer a residential section.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for one week.

EFFECTIVE DATE FOR REMOVAL OF STORE SIGNS OVERHANDING THE SIDEWALK  
REAFFIRMED AS JANUARY 1, 1960.

Mr. J. E. Dowd, Chairman of the Chamber of Commerce Committee on Appearances and Improvements, appeared before Council with members of the Committee and stated they had understood that a delegation of merchants would be present protesting the removal of signs overhanding the sidewalk in the downtown area; however, he would like to give the background of the movement for the removal of these signs in case the delegation appears at a later time.

Mr. Dowd stated his Committee initiated the banning of the signs and before presenting their request to the former City Council, they first approached the merchants on Trade and Tryon Streets and there were 330 of the 480 merchants who favored banning the signs and 64 against. He stated that some of the property in the affected area was vacant and some of the merchants were chain stores, with headquarters out of the city, and no reply was received to the letters sent to headquarters by the Committee. He further advised that the Chamber of Commerce voted 14 to 2 for banning the signs and the Directors of the Charlotte Merchants Association voted unanimously for removal. That to his own knowledge, 40 property owners have already removed their signs in anticipation of the ordinance becoming effective on January 1, 1960. That the ordinance was adopted by the former City Council to become effective two years later, and was adopted in good faith, with ample time in which any objections could have been registered, and the present Council should not be swayed from putting it into effect, as it would be grossly unfair to those merchants who have already removed their signs.

Chairman pro tem Babcock asked the City Attorney if the Council could reaffirm the action of the previous Council since there appears to be some delay by a few merchants who think the Council will reverse the ordinance? Mr. Shaw, City Attorney, stated it would be reaffirmed if no action rescinding the action is taken or if a motion is adopted reaffirming the previous action.

Councilman Smith stated he has understood it would be impossible to have all the signs removed by January 1st, and if this is true could they not be given more time? He asked what the penalty is for non-compliance with the ordinance? Mr. Shaw replied that the City can go in and take down the signs and charge the cost to the merchants, otherwise it would be a misdemeanor.

Councilman Smith moved that the effective date for compliance with the ordinance be extended to March 1, 1960. Councilman Alba stated he would support the motion had the ordinance just been passed, but it is two years old. Chairman pro tem Babcock suggested that January 1, 1960 deadline could be maintained and anyone not complying at that time would have to show that a contract has been entered into for the removal of his sign.

Chairman pro tem Babcock ruled that the motion is lost for lack of a second and the ordinance stands as adopted.

CITY MANAGER REQUESTED TO MAKE RECOMMENDATION AS TO DRAINAGE PROBLEM ON PROPERTY OF W. W. FINLEY, 814 IDEAL WAY, AND TO HAVE CONSTRUCTED A TEMPORARY HANDRAIL OVER CULVERT AT THIS LOCATION.

Mr. Charles Welling, Attorney, representing Mr. W. W. Finley, 814 Ideal Way, stated that the City installed a culvert on his property sometime ago which created a drainage problem. That the second storm drain was installed last spring, and the problem has become acute. That the Engineering Department made a survey and found that 190 acres in the surrounding area drains into this culvert. That the water has washed out a large ditch and Mr. Finley has spent \$400.00 trying to correct it, but the water after a big rain comes to within 10 to 12 feet of his house and he fears the foundation will be washed out. He stated further that there are no guard rails over the culvert and some 12 feet of water stands in the ditch, over which school children pass daily. Mr. Welling stated that Mr. Finley request that the problem be corrected before his property is further damaged.

Councilman Dellinger moved that the City Manager confer with the City Engineer and give the Council a report and recommendation, and in the meanwhile that a guard rail be constructed as a temporary measure. The motion was seconded by Councilman Alba, and unanimously carried.

CITY MANAGER AND CHIEF OF POLICE REQUESTED TO STUDY WRECKER SERVICE WITH WRECKER COMPANIES AND SEE WHAT CAN BE WORKED OUT TO MAINTAIN THE SERVICE AND EXTEND THE ZONES.

Mr. Edward Stokes appeared before Council and requested that the Wrecker Company owned and operated by him and his father be assigned a wrecker service zone. He stated that until recently there were five service zones in Charlotte and recently Captain Stegall told him the White Star Wrecking Company was going out of business and he would give him their zone; however, when the company went out of business the zone was abolished and the territory divided among the companies in the remaining four zones. He stated his company has the equipment and money to meet the insurance requirements and are capable of operating a wrecker company, and they appeal to the Council for part of this business. Councilman Dellinger stated he remembers the case and the Police Department told him that as soon as any changes were made, Mr. Stokes would be given a zone. He asked that Mr. Veeder investigate this.

Chief James was present and advised that when the White Star Company went out of business recently, Captain Stegall advised him there was not sufficient business for five zones, and so the territory was assigned the other four companies. Chief James stated he believes he can rely on what Captain Stegall tells him; that in fact, the City is very close to furnishing wrecker service itself. Councilman Dellinger asked what Chief would do after the perimeter area is annexed, and Chief replied that Captain Stegall will revalue the situation at that time. Councilman Dellinger stated we are extending other services

and he does not believe that five zones are too many and Mr. Stokes has been promised a zone and he thinks one should be assigned to him. Chief James stated if the remaining four wrecker companies do not have sufficient business, they too, will go out of the business and the City will have a problem on its hands.

Councilman Whittington suggested that it would be well for Mr. Veeder and Chief James to get together with the Wrecker Companies and study the situation and see what can be worked out. The Council concurred in the suggestion.

REQUEST OF CHARLOTTE BRANCH OF NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE FOR ADMITTANCE TO CHARLOTTE MEMORIAL HOSPITAL ON A NON-SEGREGATED BASIS.

Mr. Kelly M. Alexander, President of the N. C. Conference of Branches of the National Association for the Advancement of Colored People and Executive Secretary of the Charlotte Branch, appeared before Council and requested that Negroes be admitted to Charlotte Memorial Hospital on a non-segregated basis. He filed a statement with each member of the Council as to the reasons why the request should be granted, copy of which is on file in the office of the City Clerk. Mr. Alexander said that a similar request has been filed with the Charlotte Memorial Hospital Authority; that they are greatly disturbed over the inadequate hospital and health facilities for the negro population of Charlotte which forms a sizable segment of the citizens, and the present discrimination and segregation breeds unrest and dissatisfaction among the negroes; that the negro population supported the bond issue for the construction of Memorial Hospital and they were informed at that time that negro patients would be admitted but upon its opening in 1940 it was found it was for white patients only and after 19 years negroes are still not admitted to this tax supported institution; therefore, they feel their request is justified. Mr. Alexander stated the negro community appreciates highly the fine contribution made by the Episcopal Church in providing Good Samaritan Hospital for their use.

Mr. John Shaw, City Attorney, stated that Charlotte Memorial Hospital Authority operates the hospital, and the City only appoints the members of the Authority. He stated further that he has been informally advised that the matter is being very carefully looked into by the Authority. He suggested that this request might be referred to the Authority so they will know it has been made.

Mr. Alexander stated he does not expect nor wish a reply today; that he thinks it deserves wise counseling and consideration. However, he is an Undertaker and knows that there are negroes in Charlotte today on the brink of death because of inadequate hospitalization, and if it continues it will have far-reaching results.

Dr. Nathaniel Tross also spoke on the question of hospital facilities for negroes, and urged that even though negroes are admitted to Memorial Hospital that Good Samaritan Hospital be kept open and its facilities improved to meet the present needs; he stated further if it was needed in 1901 when it was opened, it is needed fifty times more so today.

Mrs. U. S. Brooks stated the request of the Association for the Advancement of Colored People in no way promotes nor requests the closing of Good Samaritan Hospital; that they are merely urging that the negroes be given the proper and much needed hospital care and use of the facilities in a tax supported hospital.

Chairman pro tem Babcock stated it is his opinion that there is absolutely no action the Council can take in the matter, and he is sure that Charlotte Memorial Hospital Authority will give full consideration to the question.

REPORT OF TAX ADVISORY COMMITTEE.

Councilman Dellinger, speaking for the Tax Advisory Committee, stated that he and Mr. Whittington met with the Board of County Commissioners today and asked for additional money to pay for services being rendered by the City Tax Department in the collection of both city and county taxes since the city pays 35% of the cost of preparing the tax scrolls, the county should likewise pay the city its share for collecting taxes, which amounts to \$28,000. However, the Board did not see eye to eye with them and consented to pay \$15,000.00 on the 1959-60 expense. Councilman Dellinger stated they also discussed total consolidation and the Board appointed a committee to work with them to try to consolidate the two offices by July 1st; that they also discussed the matter of absorbing the personnel.

LEASE OF SITE IN FREEDOM PARK TO JUNIOR LEAGUE BY PARK & RECREATION COMMISSION ON WHICH TO PLACE A BUILDING FOR THEIR USE, APPROVED SUBJECT TO APPROVAL OF THE CITY ATTORNEY AND CHAIRMAN OF THE PARK & RECREATION COMMISSION.

Councilman Smith advised that the Junior League has been given a building by Myers Park Presbyterian Church which they want to move to Freedom Park at their expense. That they have secured the permission of the Park & Recreation Commission to place it in the Park, subject to the approval of the Council.

Mrs. J. E. Sebrell, representing the Junior League, stated the building will be used for their office and meeting place and to store equipment used in the children theatre productions. She presented the details of their agreement with the Park & Recreation Commission.

Councilman Smith moved that the lease of a site in Freedom Park to the Junior League for a period of 20 years, at \$1.00 per year, by the Park and Recreation Commission be approved, on which the League may place a building, the said building to remain the property of the League, who will maintain it, and not use the said building in any manner to cause a nuisance; such lease to be subject to cancellation by the Park & Recreation Commission upon not less than 90 days notice and the Commission to pay the cost of moving the house to another location, subject to the approval of the City Attorney and Chairman of the Park & Recreation Commission. The motion was seconded by Councilman Albea, and unanimously carried.

PETITION FOR CONSTRUCTION OF TEMPORARY SIDEWALK ON BARCLAY DOWNS, FROM SELWYN AVENUE TO SELWYN ELEMENTARY SCHOOL AND ALEXANDER GRAHAM JUNIOR HIGH SCHOOL REFERRED TO CITY MANAGER FOR RECOMMENDATION.

Councilman Smith presented a Petition from residents of the Selwyn Elementary School and Alexander Graham Junior High School district, concerning the hazard to school children because of the lack of sidewalks on Barclay Downs, and requesting the construction of temporary sidewalks from Selwyn Avenue along Barclay Downs to the school property. He stated he has discussed the request with Dr. Garinger and the State Highway Department has promised to construct a footbridge along the vehicular

bridge. Councilman Smith turned the petition over to the City Clerk and moved that the City Manager discuss the request with the City Engineer and make a report to Council of their recommendation. The motion was seconded by Councilman Albea, and unanimously carried.

Councilman Myers stated he would like to know about the cost of the reconstruction of a temporary sidewalk and the cost of the maintenance, in comparison to a permanent sidewalk.

CITY MANAGER REQUESTED TO CONFER WITH DEPARTMENT HEADS AND THEIR ASSISTANTS AS TO WHAT THE JOB CLASSIFICATION AND PAY PLAN ENTAILS SO THAT THEY MAY KNOW TO WHAT THE EMPLOYEES ARE ENTITLED.

Councilman Whittington stated there is widespread misunderstanding among city employees as to what the new job classification and pay plan entails, and he moved that Mr. Veeder, City Manager, meet with the Department Heads and their Assistants to discuss the new job classification and pay plan, so that they will have full knowledge of what it entails and to what the personnel of the departments are entitled to in the future when funds are available. The motion was seconded by Councilman Albea, and unanimously carried.

TRAVEL EXPENSES AUTHORIZED PAID TO CITY MANAGER FOR CHAMBER OF COMMERCE TRIP TO MIAMI.

Councilman Myers moved that traveling expenses be authorized paid to Mr. Veeder, City Manager, for the Chamber of Commerce trip to Miami. He stated he felt the trip would be well worthwhile and beneficial to the Chamber of Commerce and City. The motion was seconded by Councilman Smith, and unanimously carried.

PAYMENT AUTHORIZED TO GEO. G. SCOTT & COMPANY FOR AUDIT OF CITY RECORDER'S COURT FROM EMERGENCY FUND.

Councilman Dellinger moved approval of the payment of \$2,250.00 from the Emergency Fund to George G. Scott & Company for quarterly audits that have been made to the City Recorder's Court. The motion was seconded by Councilman Whittington, and unanimously carried.

Councilman Smith stated he does not like using the Emergency Fund for everything that comes up when funds from other sources may be used, and he moved that payment be made from the General Fund Revenues if available and if not then from the Emergency Fund. The motion was seconded by Councilman Myers, and lost with the votes cast as follows:

YEAS: Councilmen Smith and Myers.

NAYS: Councilmen Albea, Dellinger and Whittington.

STUDY OF GARBAGE COLLECTION DIVISION NEEDS TO DEVELOPE PROPER STANDARDS OF PERFORMANCE REQUESTED MADE AS SOON AS POSSIBLE.

At the inquiry of Councilman Dellinger if the survey as to the hours and routes of the personnel of the Garbage Collection Division is completed, Mr. Veeder stated the study being made now is primarily towards developing the level and scope of service that should be given the people; that nothing has been started as to the routes and hours of the men, although he realizes it should be done and he will get it

started as soon as time permits. Councilman Dellinger stated he thinks it will eliminate a great deal of confusion. Chairman pro tem Babcock stated he thinks it of prime importance that the study be made at once, and he thinks putting the time clock into operation would help as it would show who is putting in 8 hours a day, as he understands when a man now completes his route regardless of the short hours it takes, he is free to leave and take another job. Mr. Veeder stated it would take two or three weeks to make a complete study of the entire situation and develop proper standards of performance, and it might be desirable to bring in a private consultant. Chairman pro tem Babcock suggested that the matter be left with Mr. Veeder as to how the study can be made as quickly as possible.

RESOLUTION DESIGNATING CITY MANAGER AS SPOKESMAN FOR THE CITY FOR THE MENTAL HEALTH CLINIC AND TO EXECUTE DOCUMENTS PERTAINING THERETO.

A resolution entitled: "Resolution Designating City Manager as Spokesman for the City for the Mental Health Clinic and to Execute Documents Pertaining Thereto", was introduced and read, and upon motion of Councilman Smith, seconded by Councilman Dellinger, was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 423.

RESOLUTION DESIGNATING CITY TREASURER AS THE PROPER AUTHORITY FOR RECEIVING AND HANDLING ALL FUNDS IN CONNECTION WITH THE MENTAL HEALTH CLINIC.

A resolution entitled: "Resolution Designating City Treasurer as the Proper Authority for Receiving and Handling all Funds in Connection with the Mental Health Clinic" was introduced and read, and upon motion of Councilman Smith, seconded by Councilman Dellinger, was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 424.

RESOLUTION NOMINATING ARCHITECTS FOR THE MENTAL HEALTH CLINIC.

A resolution entitled: "Resolution Nominating Architects for the Mental Health Clinic" was introduced and read, and upon motion of Councilman Smith, seconded by Councilman Dellinger, was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 425.

RESOLUTION AMENDING THE PAY PLAN FOR MUNICIPAL EMPLOYEES.

A resolution entitled: "Resolution Amending the Pay Plan for Municipal Employees" was introduced and read, and upon motion of Councilman Whittington, seconded by Councilman Smith, was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 426.

APPOINTMENT OF COLEMAN W. ROBERTS AS SPECIAL LICENSE CLERK TO HANDLE SALE OF 1960 CITY AUTO LICENSE TAGS.

Councilman Smith moved the appointment of Mr. Coleman W. Roberts as Special License Clerk to handle the sale of 1960 City Auto License Tags for one year, beginning January 1, 1960, at a fixed compensation of 10 cents per tag. The motion was seconded by Councilman Albea, and unanimously carried.

## SETTLEMENT OF CLAIM OF MRS. ELAINE BURNS FOR PERSONAL INJURIES AUTHORIZED.

Upon motion of Councilman Dellinger, seconded by Councilman Smith, and unanimously carried, the claim of Mrs. Elaine Burns, in the amount of \$270.00, was authorized paid, as recommended by the City Attorney.

## PAYMENT OF RIGHTS-OF-WAY FOR SANITARY SEWERS, SANITARY SEWER OUTFALL CONDEMNATION SUITS AND SERVICES AUTHORIZED FROM SEWER BOND FUND.

Motion was made by Councilman Albea, seconded by Councilman Smith, and unanimously carried, authorizing payment of the following from the Sewer Bond Fund, as recommended by the City Manager:

1. Payment of rights-of-way for sanitary sewer extensions to the perimeter area to be annexed on January 1, 1960, in the total amount of \$6,839.30, as listed in the letter to the City Manager from the City Engineer dated October 2, 1959.
2. Payment to Mecklenburg County Clerk of Court, in the amount of \$4,125.69 for McMullen Creek Sanitary Sewer Outfall right-of-way condemnation suits.
3. Payment to General Surveyors, Inc., in the amount of \$925.00, for rights-of-way in Orchard Circle and Julia Avenue Trunk and Ellenwood Place.

## CITY MANAGER AUTHORIZED TO ACQUIRE CERTAIN RIGHTS-OF-WAY UP TO \$250.00 WITHOUT COUNCIL APPROVAL.

Councilman Myers moved that the City Manager be authorized to acquire certain rights-of-way up to \$250.00 without Council approval, as recommended by the City Attorney. The motion was seconded by Councilman Dellinger, and unanimously carried.

## SUITS AUTHORIZED INSTITUTED AGAINST W.P.M. INDUSTRIES AND S.H. KIRKPATRICK FOR UNPAID RENTAL ON AIRPORT PROPERTY.

Upon motion of Councilman Albea, seconded by Councilman Dellinger, and unanimously carried, the City Attorney was authorized to institute suits against W.P.M. Industries and S.H. Kirkpatrick for unpaid rental of Airport properties, which the Airport Manager has been unable to collect.

Following the discussion regarding such accounts, Councilman Smith moved that the City Manager instruct the Airport Manager to keep the rental of these properties on a current basis. The motion was seconded by Councilman Albea, and unanimously carried.

## WATER AND SEWER POLICY UNDER STUDY AND NOT YET ESTABLISHED.

Councilman Smith stated the Home Builders are of the opinion that the Council has adopted a policy on sewer and water, while it is his understanding that the matter is under study and no policy has been established. Mr. Veeder, City Manager, stated this is entirely correct.

ORDINANCE NO. 633 AMENDING CHAPTER 2, ARTICLE XIII, SECTION 92, SCHEDULE I, OF THE CITY CODE AMENDING THE TRUCK ROUTES BY ADDING CREOSOTE ROAD, CALDWELL STREET, MALLORY STREET AND BREVARD STREET TO SUCH ROUTES.

An ordinance entitled: "Ordinance No. 633 Amending Chapter 2, Article XIII, Section 92, Schedule I of the City Code Amending the Truck Routes by adding Creosote Road, Caldwell Street, Mallory Street and Brevard Street to such Routes" was introduced and read, and upon motion of Councilman Whittington, seconded by Councilman Smith, and unanimously carried, the ordinance was adopted. The ordinance is recorded in full in Ordinance Book 12, at Page 422.

CONDEMNATION PROCEEDINGS AUTHORIZED FOR RIGHT-OF-WAY ACROSS PROPERTY OF HYMAN POLK FOR CONSTRUCTION OF CLOISTER DRIVE SANITARY SEWERS.

Councilman Albea moved that condemnation proceedings be authorized for right-of-way across the property of Mr. Hyman Polk for the construction of Cloister Drive sanitary sewers. The motion was seconded by Councilman Smith, and unanimously carried.

EXTENSION OF SICK LEAVE GRANTED OFFICER H.C. HAGER, POLICE DEPARTMENT.

Upon motion of Councilman Dellinger, seconded by Councilman Whittington, and unanimously carried, sick leave extension was granted Officer H. C. Hager, Charlotte Police Department, to October 30, 1959.

SPECIAL OFFICER PERMIT AUTHORIZED ISSUED TO DONALD A.B. YEARGIN.

Councilman Albea moved that a Special Officer Permit be issued to Mr. Donald A. B. Yeargin, for use on the premises of the Southern Railway Company. The motion was seconded by Councilman Myers and unanimously carried.

SUPPLEMENTARY CONTRACTS FOR THE EXTENSION OF SANITARY SEWER MAINS IN PERIMETER AREA REVISING UNIT PRICE IN ITEM 13 THEREOF COVERING INSTALLATION OF CAST IRON SOIL PIPE HOUSE LATERALS.

Upon motion of Councilman Albea, seconded by Councilman Myers, and unanimously carried, Supplementary Contracts were authorized to the contracts with Blythe Bros. Company, Boyd & Goforth, Inc. and A. P. White & Associates for the extension of sanitary sewer mains in the perimeter area to be annexed, to delete all of Item 13 in said contracts, and in lieu thereof substitute the following Items 13A and 13B, worded as follows:

"ITEM 13-A For 4-inch cast iron soil pipe house laterals, furnished, laid and backfilled complete, including the replacement of street base course and pavement;

AREA #I	--	1,200 at \$90.00 each	\$108,000.00
AREA #II	--	1,200 at \$90.00 each	\$108,000.00
AREA #III	--	1,200 at \$90.00 each	\$108,000.00

ITEM 13-B For 4-inch cast iron soil pipe house laterals, furnished laid and backfilled complete, including replacing necessary street base course on unpaved streets:

AREA #I	--	300 at \$66.50 each	\$ 19,950.00
AREA #II	--	300 at \$66.50 each	\$ 19,950.00
AREA #III	--	300 at \$66.50 each	\$ 19,950.00 "

## CONTRACT AWARDED WALD INDUSTRIES, INC. FOR PAINT SPRAY MACHINE.

Motion was made by Councilman Whittington, seconded by Councilman Albea, and unanimously carried, awarding contract to the low bidder, Wald Industries, Inc. for One Paint Spray Machine complete, as specified, at a net delivered price of \$10,998.00.

The following net delivered bids were received:

Wald Industries, Inc.	\$10,998.00
Prismo Safety Corp.	\$11,350.00
National Safety Engineers	\$11,400.00

Councilman Whittington asked the City Manager to look into the possibilities of painting traffic lane lines on the streets at night, and to advise the Council.

## CONTRACT AWARDED N. C. LEAGUE OF MUNICIPALITIES FOR AUTO AND MOTORCYCLE TAGS.

Councilman Dellinger moved the award of contract to the low bidder, North Carolina League of Municipalities, for 57,000 metal Auto Tags and 400 Metal Motorcycle Tags, at \$.06½ cents each, or a total net delivered price of \$3,731.00. The motion was seconded by Councilman Whittington, and unanimously carried.

The following net delivered bids were received:

North Carolina League of Municipalities	\$ 3,731.00
W. J. Cooley & Company, Inc.	\$ 5,144.15

## ADJOURNMENT.

Upon motion of Councilman Albea, seconded by Councilman Smith, and unanimously carried, the meeting was adjourned until 2 o'clock p.m., on Monday, October 26th for the purpose of holding the regular Council Meeting and a Public Hearing on the Sunday Observance Ordinance.

  
Lillian R. Hoffman, City Clerk