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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, October 22, 1958, at 4 o'clock p.m., with Mayor Smith presiding, and Council members Albea, Baxter, Brown, Dellinger, Evans. and Foard being present.

ABSENT: Councilman Wilkinson.

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Brown, seconded by Councilwoman Evans, and un-animously carried, the Minutes of the Special Meeting on October 10th and Regular Meeting on October 15th were approved as submitted.

UNITED APPEAL AND BOY SCOUT ORGANIZATION AUTHORIZED TO USE AMPLIFIER AND RING UNITED APPEAL BELL ON TRYON STREET FROM 3:30 TO 4 PM OCTOBER 25TH.

Mr. Harry Hewson requested that United Appeal and the Boy Scout Organization be permitted to use an amplifier and ring United Appeal Bell on Tryon Street from 3:30 to 4 P.M. on next Saturday, October 25th in connection with the United Appeal Campaign. Councilman Brown moved that the request be granted, which was seconded by Councilwoman Evans, and un-animously carried.

CHANTILLY P.T.A. EXPRESSES PLEASURE OVER DECISION TO RETAIN OFFICE-INSTITUTION ZONING ON PROPERTY NEAR CHANTILLY SHCOOL IN LIEU OF CHANGING TO B I-A ZONE, WHICH THEY AND ALL CITY P.T.A. ORGANIZATIONS INTENDED PROTESTING.

Mr. Joe Morgan, representing Chantilly P.T.A. stated they had intended coming before Council today to protest the change at last Council Meeting in zoning from O-I to B I-A of the property of Mr. Dwight Philips near Chantilly School, and the Council would be interested in knowing that they had the support of the P.T.A. of every school in Charlotte. However, they are now pleased to understand that the Council will today rescind last week's action in the change in zoning, as requested by Mr. Phillips. He expressed his appreciation to Mr. Phillips, the Council and everyone concerned in retaining the O-I zone classification.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON NOVEMBER 12TH ON ORDINANCE NO. 516 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING PROPERTY ON THE SOUTH SIDE OF INDEPENDENCE BOULEVARD, EAST OF BRIAR CREEK ROAD, FROM B I-A TO O-I, AND RESOLUTION PROVIDING FOR PUBLIC HEARING ON NOVEMBER 12TH ON ORDINANCE NO. 517 AMENDING CHAPTER 21, ARTICLE I, SECTION IV-A, OFFICE-INSTITUTION DISTRICT, SUB-SECTION A- USES PERMITTED, TO INCLUDE BUILDINGS FOR DISPLAY OF SAMPLE MERCHANDISE.

Councilman Dellinger stated that at last week's Council Meeting the zoning on property on Independence Boulevard was changed from O-I to B I-A, on

request of Mr. Dwight Phillips for the erection of a Merchandise Mart; that he supported the adoption of the zoning change in the belief that Mr. Phillips would be willing to set the building back from the street; however, during the past week he learned he could not do so, and after discussing the matter with the City Attorney, he called Mr. Phillips who has agreed to revamp his plans for the building to conform to the building setback requirements. Therefore, he is presenting for adoption two resolutions fixing the date of hearing on an Ordinance to rescind last week's action by changing the zoning of the property back to O-I district from B I-A, and on a second Ordinance to provide for the inclusion of buildings for the display of sample merchandise in an O-I zoning district. Councilman Dellinger then presented the following resolutions: "Resolution Providing for Public Hearing on November 12th on Ordinance No. 516 Amending Chapter 21, Article I, Section 2 of the City Code, amending the Building Zone Map of Charlotte by changing property on the south side of Independence Boulevard, east of Briar Creek Road, from B I-A to O-I" and a "Resolution Providing for a Public Hearing on November 12th on Ordinance No. 517 Amending Chapter 21, Article I, Section IV-A, Office-Institution District, Sub-section A-USES PERMITTED of the City Code (O.B. 10) by striking out the following in Item 13 ", provided no stock of goods is maintained for sale", and inserting in lieu thereof the following: "and buildings for the display of sample merchandise to wholesalers and retailers of the merchandise displayed, provided deliveries of merchandise are not made from the premises and the merchandise displayed is not visible from the exterior of the building". Councilman Dellinger moved the adoption of the two resolutions, which was seconded by Councilman Baxter, and unanimously carried. The resolutions are recorded in full in Resolutions Book 3, at Pages 264 and 265.

#### ELECTION WORKERS SALARY INCREASE APPROVED.

Councilman Dellinger stated that the Election Board Salary Committee met last week to consider the salaries of Election Workers, and recommends increases in salaries as follows, which was approved by Mecklenburg County Commissioners on Monday. Increase from \$25 to \$30 for Registrars on Election Days, increase from \$15 to \$18 per day for Judges, increase from \$12 to \$15 per day for Clerks and increase from \$4 to \$5 per day for Counters. Councilman Dellinger moved approval of the salary increases as recommended on a basis of 40% by the City and 60% by the County. The motion was seconded by Councilman Baxter, and unanimously carried.

#### PETITION FROM PROPERTY OWNERS AND RESIDENTS OF 2600 BLOCK OF ELON STREET AND PORTION OF 1400 BLOCK OF CAMP GREENE AVENUE THAT MEASURES BE TAKEN TO CORRECT DRAINAGE SITUATION.

Councilman Dellinger presented a petition from Property Owners and Residents of the 2600 block of Elon Street and a portion of the 1400 block of Camp Greene Avenue that measures be taken to correct the drainage situation, which was explained in detail. Councilman Dellinger requested that the petition be referred to Mr. Yancey for investigation and report.

#### REPLACEMENT OF BRIDGE OVER CREEK NEAR GALLAGHER STREET, WASHED OUT BY RAINSTORM IN JULY, REQUESTED BY MRS. T.M. BRAND.

Councilman Dellinger introduced Mrs. T. M. Brand, 625 Gallagher Street, who requested the replacement of a bridge over a small creek near Gallagher Street, which was washed out by the heavy rainstorm in July

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that flooded Beechwood Acres near by. She advised that this bridge site is one block from the Lander Street bridge that was washed out and is now being replaced by the City. Mrs. Brand stated that it is now necessary to park their cars on the opposite side of the creek and cross it on an inadequate, improvised footbridge, or plank. Councilman Dellinger moved that the matter be referred to Mr. Yancey for investigation and report. The motion was seconded by Councilman Brown, and unanimously carried.

MEETING RECESSED AT 4:20 P.M. TO CONFER WITH OFFICIALS REGARDING BUS STRIKE.

Mayor Smith called a 30 minute recess of the meeting for the purpose of conferring with Mr. Merl C. Morrow, Vice-President, City Coach Lines and Mr. William F. Lester, Deputy President of the Brotherhood of Railway Trainmen, whom he had invited to meet with the City Council at 4:30 o'clock regarding the existing Bus Strike.

MEETING RECONVENED AT 4:50 P.M.

The Council Meeting reconvened at 4:50 p.m., with Mayor pro tem Brown presiding.

DECISION ON ORDINANCE NO. 491 DEFERRED ONE WEEK, TO AMEND ZONING ORDINANCE TO CHANGE PROPERTY ON BOTH SIDES OF INDEPENDENCE BOULEVARD FROM E. 7TH STREET TO PRESENT INDUSTRIAL ZONE LINE NEAR SAL RAILWAY FROM R-2 TO B-1, ON PETITION OF ERNEST L. DELANEY AND EMMETT W. WILKINSON.

Upon motion of Councilman Baxter, seconded by Councilman Dellinger, and unanimously carried, decision on Ordinance No. 491 Amending the Zoning Ordinance to change property on both sides of Independence Boulevard, from East 7th Street to present Industrial Zone Line near the SAL Railway, from R-2 to B-1, on petition of Ernest L. Delaney and Emmett W. Wilkinson, was deferred for one week.

ORDINANCE NO. 515 RELATIVE TO INTERCEPTION OF POLICE RADIO SIGNALS, PROHIBITING THE INSTALLATION OF HIGH FREQUENCY POLICE RADIO RECEIVING SETS IN ANY MOTOR VEHICLE OPERATED UPON THE STREETS BY ANY PERSON NOT HAVING A PERMIT FROM THE CHIEF OF POLICE, ADOPTED.

Upon motion of Councilman Foard, seconded by Councilman Dellinger, and unanimously carried, "Ordinance No. 515 Relative to the Interception of Police Radio Signals, Prohibiting the Installation of High Frequency Police Radio Receiving Sets in any Motor Vehicle operated upon the streets by any Person not Having a Permit from the Chief of Police" was adopted. The ordinance is recorded in full in Ordinance Book 12, beginning at Page 292.

RESOLUTION AUTHORIZING PERMANENT IMPROVEMENTS ON BAXTER STREET, FROM INDEPENDENCE BOULEVARD TO CECIL STREET, ADOPTED.

A resolution entitled: "Resolution Authorizing Permanent Improvements on Baxter Street, from Independence Boulevard to Cecil Street" was introduced and read, and upon motion of Councilman Baxter, seconded by Councilman Foard was unanimously adopted on its final reading. The resolution is recorded in full in Resolutions Book 3, at Page 262.

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RESOLUTION AUTHORIZING PERMANENT IMPROVEMENTS ON BALDWIN CIRCLE, FROM NEAR BAXTER STREET TO INDEPENDENCE BOULEVARD, ADOPTED.

A resolution entitled: "Resolution Authorizing Permanent Improvements on Baldwin Circle, from Near Baxter Street to Independence Boulevard", was introduced and read, and upon motion of Councilman Baxter, seconded by Councilman Foard was unanimously adopted on its final reading. The resolution is recorded in full in Resolutions Book 3, at Page 263.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON NOVEMBER 12TH ON ORDINANCE NO. 505 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING PROPERTY AT 1505 NORTH INDEPENDENCE BOULEVARD, FROM R-1 TO B-1, ADOPTED.

Ordinance No. 505 Amending Chapter 21, Article I, Section 2 of the City Code by amending the Building Zone Map of Charlotte by changing property at 1505 North Independence Boulevard, from R-1 to B-1, on petition of S. R. Suber, Jr. was introduced and read. A Resolution Providing for a Public Hearing thereon on November 12th was then presented and read. Councilman Dellinger moved the adoption of the resolution, which was seconded by Councilman Baxter, and unanimously carried. The resolution is recorded in full in Resolutions Book 3, at Page 266.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON NOVEMBER 12TH ON ORDINANCE NO. 506 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE, AMENDING THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING PROPERTY ON IRBY DRIVE, WEST OF JAMESTON DRIVE, FROM R-1 TO R-2, ADOPTED.

Ordinance No. 506 Amending Chapter 21, Article I, Section 2 of the City Code, Amending the Building Zone Map of Charlotte by changing property on Irby Drive, west of Jameston Drive, from R-1 to R-2, on petition of John Crosland Company, was introduced and read. A Resolution Providing for a Public Hearing thereon on November 12th was then presented and read, and upon motion of Councilman Dellinger, seconded by Councilman Baxter, was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 267.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON NOVEMBER 12TH ON ORDINANCE NO. 507 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE, AMENDING THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING PROPERTY AT THE SOUTHEAST CORNER OF FREEDOM DRIVE AND CAMP GREENE AVENUE, FROM R-2 TO B-1, ADOPTED.

Ordinance No. 507 Amending Chapter 21, Article I, Section 2 of the City Code, Amending the Building Zone Map of Charlotte by changing property at the SE Corner of Freedom Drive and Camp Greene Avenue, from R-2 to B-1, on petition of Marsh Land Company, was introduced and read. A Resolution Providing for a Public Hearing thereon on November 12th was then presented and read, and upon motion of Councilman Dellinger, seconded by Councilman Baxter, was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 268.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON NOVEMBER 12TH ON ORDINANCE NO. 508 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF THE PERIMETER AREA BY CHANGING PROPERTY AT SOUTHEAST CORNER OF SUGAW CREEK ROAD AND DINGLEWOOD AVENUE, FROM R-2 TO B-1, ADOPTED.

Ordinance No. 508 Amending Chapter 21, Article II, Section 5 of the City Code amending the Building Zone Map of the Perimeter Area by changing

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property at the SE corner of Sugaw Creek Road and Dinglewood Avenue, from R2 to B-1, on petition of J. L. Gibbs and wife, was introduced and read. A Resolution Providing for a Public Hearing thereon on November 12th was then presented and read, and upon motion of Councilman Dellinger, seconded by Councilman Baxter was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 269.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON NOVEMBER 12TH ON ORDINANCE NO. 509 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF THE PERIMETER AREA BY CHANGING PROPERTY ON SOUTH SIDE OF SHAMROCK DRIVE, WEST OF EASTWAY DRIVE, FROM R-1 TO R-2, ADOPTED.

Ordinance No. 509 Amending Chapter 21, Article II, Section 5 of the City Code Amending the Building Zone Map of the Perimeter Area by changing property on south side of Shamrock Drive, west of Eastway Drive, from R-1 to R-2, on petition of Herman L. Wilson and wife, was introduced and read. A Resolution Providing for a Public Hearing thereon on November 12th was then presented and read, and upon motion of Councilman Dellinger, seconded by Councilman Baxter, was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 270.

RESOLUTION PROVIDING FOR A PUBLIC HEARING ON NOVEMBER 12TH ON ORDINANCE NO. 510 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF THE PERIMETER AREA BY CHANGING PROPERTY ON BOTH SIDES OF HUTCHINSON-MCDONALD BELT ROAD, EAST OF STATESVILLE ROAD, FROM RURAL TO INDUSTRIAL, ADOPTED.

Ordinance No. 510 Amending Chapter 21, Article II, Section 5 of the City Code Amending the Building Zone Map of the Perimeter Area by changing property on both sides of Hutchinson-McDonald Belt Road, east of Statesville Road, from Rural to Industrial, on petition of T.R. Broome and Ned Broome, was introduced and read. A Resolution Providing for a Public Hearing thereon on November 12th was then presented and read, and upon motion of Councilman Dellinger, seconded by Councilman Baxter, was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 271.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON NOVEMBER 12TH ON ORDINANCE NO. 511 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF THE PERIMETER AREA BY CHANGING PROPERTY ON BOTH SIDES OF US 29-BYPASS, BETWEEN STATESVILLE AND DERITA ROADS, NEAR IRWIN CREEK, FROM RURAL TO INDUSTRIAL, ADOPTED.

Ordinance No. 511 Amending Chapter 21, Article II, Section 5 of the City Code amending the Building Zone Map of the Perimeter Area by changing property on both sides of US 29-Bypass between Statesville and Derita Roads, near Irwin Creek, from Rural to Industrial, on petition of Sarah A., Agnes B, and Thomas W. Hawkins, was introduced and read. A Resolution Providing for a Public Hearing thereon on November 12th was then presented and read, and upon motion of Councilman Dellinger, seconded by Councilman Baxter, was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 272.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON NOVEMBER 12TH ON ORDINANCE NO. 512 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF THE PERIMETER AREA BY CHANGING PROPERTY ON THE NORTH SIDE OF US 29-BYPASS WEST OF DERITA ROAD, FROM RURAL TO INDUSTRIAL, ADOPTED.

Ordinance No. 512 Amending Chapter 21, Article II, Section 5 of the City

Code amending the Building Zone Map of the Perimeter Area by changing property on the north side of US 29-Bypass west of Derita Road, from Rural to Industrial, on petition of S. R. Robinson and Ann R. Gilreath, was introduced and read. A Resolution Providing for a Public Hearing thereon on November 12th was then presented and read, and upon motion of Councilman Dellinger, seconded by Councilman Baxter, was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 273.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON NOVEMBER 12TH ON ORDINANCE NO. 513 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF THE PERIMETER AREA BY CHANGING PROPERTY ON BOTH SIDES OF YORK ROAD, NORTH OF CROSSLINE RAILROAD, FROM RURAL AND R-2 TO B-1, ADOPTED.

Ordinance No. 513 Amending Chapter 21, Article II, Section 5 of the City Code amending the Building Zone Map of the Perimeter Area by changing property on both sides of York Road, north of Crossline Railroad, from Rural and R-2 to B-1, on petition of Bertha B. Edwards and A.L. Shuman Estate Heirs, was introduced and read. A Resolution Providing for a Public Hearing thereon on November 12th was then presented and read, and upon motion of Councilman Dellinger, seconded by Councilman Baxter, was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 274.

#### CONSTRUCTION OF SANITARY SEWERS AUTHORIZED.

Upon motion of Councilman Baxter, seconded by Councilwoman Evans, and unanimously carried, the construction of sanitary sewers was authorized at the following locations:

- (a) Construction of 271-feet of sewer main in Wasena Avenue, to serve two family units, at request of Hefner Plumbing Company, at an estimated cost of \$595.00, with all cost to be borne by the city.
- (b) Construction of 950-feet of sewer main in Toomey Avenue, to replace old, inadequate line causing frequent stop-ups, at request of the City Engineer, at an estimated cost of \$9,260.00, with all costs to be borne by the City.

#### CONTRACT AWARDED ADVANCE INSTRUMENTS, INC. FOR MILK CRYSCOPE FOR HEALTH DEPARTMENT.

Councilman Dellinger moved the award of contract to the only bidder, Advance Instruments, Inc. for One Fiske Milk Cryoscope, Model F, as specified, f.o.b. Charlotte, at a net delivered price of \$1,513.15. The motion was seconded by Councilman Baxter, and unanimously carried.

#### CONTRACT AUTHORIZED WITH DUKE POWER COMPANY FOR THE INSTALLATION OF MERCURY VAPOR LIGHTS ON NC-16, BETWEEN ROZZELLS FERRY ROAD AND CITY LIMITS, AND ON SOUTH TRYON STREET, BETWEEN MOREHEAD STREET AND WEST BOULEVARD, AND ON CAMDEN ROAD AND WEST PARK AVENUE.

Upon motion of Councilman Baxter, seconded by Councilman Dellinger, and unanimously carried, contract was authorized with Duke Power Company for the installation of 31 Lumen Mercury Vapor Lights on NC 16, between Rozzells Ferry Road and the city limits, and 45 such lights on S. Tryon Street, between Morehead Street and West Boulevard, and on Camden Road and West Park Avenue.

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LEASE OF AIRPORT FACILITIES TO CHARLOTTE AIRPORT HOTEL.

The Acting City Manager reported that lease has been concluded with Charlotte Airport Hotel for the use of Display Case No. 2 on the first floor of the Airport Terminal, for a period of one year ending September 30, 1959, at a monthly rental of \$35.00.

RENEWAL OF SPECIAL OFFICER PERMIT TO JAMES C. HART.

Councilman Dellinger moved approval of the renewal of Special Officer Permit to James C. Hart, 118 Martin Street, for use on the premises of Johnson C. Smith University. The motion was seconded by Councilman Foard and unanimously carried.

TRANSFER OF CEMETERY LOTS.

Upon motion of Councilman Baxter, seconded by Councilwoman Evans, and unanimously carried, the Mayor and City Clerk were authorized to execute deeds for the transfer of the following cemetery lots:

- (a) Deed with W. G. Hutcheson, Jr. and wife, for Lot 311, Section 2, Evergreen Cemetery, at \$160.00.
- (b) Deed with Dennis E. Arrowood, for Graves #1 and #2, in Lot 23, Block I, Section 10, Oaklawn Cemetery, at \$85.00.

MEETING RECESSED AT 5:15 P.M. TO FURTHER CONFER WITH OFFICIALS RELATIVE TO THE BUS STRIKE.

At the request of Mayor Smith who has been conferring with Officials regarding the Bus Strike, Mayor pro tem Brown called a recess of the Council Meeting at 5:15 p.m., for the Council to also confer with the said officials.

MEETING RECONVENED AT 7:20 P.M. AND RECESSED UNTIL 3:30 P.M., ON OCTOBER 23RD.

The Council reconvened at 7:20 p.m. with Mayor Smith presiding, and Councilman Baxter stated they consider that progress has been made in the Bus Strike during their conference with Officials concerned, and moved that the meeting be recessed until 3:30 o'clock p.m., tomorrow, October 23rd. The motion was seconded by Councilman Brown, and unanimously carried.

*Lillian R. Hoffman*  
Lillian R. Hoffman, City Clerk