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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, September 17, 1958, at 3 o'clock p.m., with Mayor Smith presiding, and Council members Albea, Baxter, Brown, Dellinger, Evans, Foard and Wilkinson being present.

ABSENT: None

Charlotte-Mecklenburg Planning Board Commissioners Sibley, Chairman, Craig, Hook, McClure, Toy and Wilkinson were present during the hearings on petitions to amend the Zoning Ordinance to change the Building Zone Maps of Charlotte and the Charlotte Perimeter Area.

ABSENT: Commissioners Hanks, Marsh, Martin, and Schwartz.

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#### INVOCATION.

The invocation was given by Councilman Claude L. Albea.

#### MINUTES APPROVED.

Upon motion of Councilman Brown, seconded by Councilman Wilkinson, and unanimously carried, the Minutes of the last meeting on September 3rd were approved as submitted.

HEARING ON ORDINANCE NO. 490 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING PROPERTY AT THE SE INTERSECTION OF INDEPENDENCE BOULEVARD AND ROCKWAY DRIVE, FROM R-1 TO O-1.

The public hearing was held on Ordinance No. 490 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte by changing property at the SE intersection of Independence Boulevard and Rockway Drive, from R-1 to O-1 on petition of Ray Barrier and wife.

Mr. McIntyre, Planning Director, stated that the property in question consists of one lot, which is adjoined on the east and across the street by residential property, across Rockway Drive the land is vacant, and that Chantilly School property adjoins the property at the rear line.

Mr. Robert Perry, representing the petitioners, stated they would like to request that the property be reclassified as Office-Institution rather than Business-1, which is a lower classification and acceptable to the Planning Board. He stated the property is located in the 2300 block of Independence Boulevard, and is practically unfit for residential purposes, because of the noise from the Auditorium and Coliseum, and they, therefore, feel entitled to use the property for business purposes such as will not jeopardize the lives of the children attending Chantilly School. He called attention to the fact that the reclassification of property on Morehead Street to O-1 Zone has proved satisfactory and a similar office building will be constructed on the Independence Boulevard property.

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Mr. Ben Horack, representing the City School Board, stated that normally the Board takes no part in zoning problems in or near schools, but since this rezoning would vitally affect Chantilly School they feel they must speak up. He advised that the School Service Entrance comes within 2 feet of the property in question, but more important than that is the fact that the actual class room is only 56 feet from the property line, which is entirely too close for the proper conduct of classes if the property is used for business purposes wherein parking would be involved. He stated that an O-I classification would, of course, be more acceptable than B-1, but even that can be detrimental to the school operation.

Mr. Olver McLean, representing the Chantilly School P.T.A. advised that they seriously object to the reclassification from R-1 in that the school library, cafeteria and class rooms adjoin the property in question. He called attention to the fact that there are 620 children in Chantilly School and it is felt that the traffic hazard would be increased and the school property would be devaluated, and they urged that the R-1 zoning be retained.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 491 AMENDING CHAPTER 21, ARTICLE 1, SECTION 2 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING PROPERTY ON BOTH SIDES OF INDEPENDENCE BOULEVARD FROM EAST 7TH STREET TO THE PRESENT INDUSTRIAL ZONE LINE NEAR THE SAL RAILWAY, FROM R-2 TO B-1.

The scheduled hearing was held on Ordinance No. 491 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte by changing property on both sides of Independence Boulevard from East 7th Street to the present Industrial Zone line near the SAL Railway, from R-2 to B-1, on petition of Emmett W. Wilkinson, Ernest L. DeLaney, et al.

Mr. McIntyre, Planning Director, stated that the property in question covers all properties along Independence Boulevard, from East 7th Street to the Industrial Zone line beyond Lamar Avenue, extending back to a depth of 200 feet. That the area is entirely residential with the exception of a small industrial development on the east side.

Mr. Ernest DeLaney, petitioner, stated that the property owners along Independence have been long suffering and feel the time has come to receive some relief. That no other street in Charlotte carries so much heavy traffic and is not zoned for business. That he lived at the corner of Independence Boulevard and Louise Avenue for thirty years but had to move eight years ago because of the noise. That many residents have tried to rent their homes and move to another location, but are unable to do so and several houses have stood vacant for months and months. He stated further that they have a petition signed by 83% of the property owners fronting on the Boulevard requesting that their property be rezoned B-1. He stated that the opponents will argue against the change, but if the change is not made the neighborhood will deteriorate from the rental of their homes, and the Council will be powerless to prevent it because the U.S. Supreme Court has ruled otherwise. He urged the Council to permit the change in zoning.

Mrs. Louise Workman and Mr. Dick Young supported the change, and stated that Mrs. Workman and their mother who reside at the corner of Beaumont Avenue and Independence Boulevard can no longer enjoy their home because of the noise from traffic, and they are unable to sell the property for

residential use. Mr. Buford Cromer supported the remarks of Mr. DeLaney and Mrs. Workman. Dr. Levy stated he, too, had resided at Independence Boulevard and Louise Avenue for twenty-five years but moved five years ago, and since then has had five tenants in his house, but they will not stay on account of the noise. Mrs. Dorrain, Mr. G. A. Hutchinson and others urged that the property be rezoned for the same reasons.

Mr. Robert Potter, Attorney, representing the residents of the adjoining side streets, spoke in opposition to the change in zoning. He presented a petition which he stated contained the names of 88 property owners on the side streets who have resided here from twenty to forty years and who do not find the noise unbearable nor objectionable. That his clients could not sell their homes and move to other locations, which they feel they would be forced to do if business is allowed to be constructed along the Boulevard. Mr. Ken Williams, Miss Lila Perry, Mr. Phil Wuille, Mrs. Pete Toffoli, Mrs. Ethel Hales, Mr. M. L. Liverman, Mrs. Alexander, Miss Snow Davis, Mr. L. P. Austin spoke in opposition to the proposed change in zoning, and urged that it not be permitted.

Large delegations of residents supporting the change, and also opposing it stood.

Mr. John Shaw, City Attorney, suggested that Mr. DeLaney and Mr. Potter get together and decide if the 20% rule applies.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 492 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING PROPERTY AT THE NE CORNER OF THE PLAZA AND INDEPENDENCE BOULEVARD, FROM R-1 TO B-1.

The public hearing was held on Ordinance No. 492 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte by changing property at the NE corner of The Plaza and Independence Boulevard, from R-1 to B-1, on petition of Mrs. Florence M. Sykes.

Mr. McIntyre, Planning Director, stated that the property consists of one corner lot and falls within the mandatory provisions of four corner zoning.

No opposition to the proposed change was voiced.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 493 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF THE PERIMETER AREA BY CHANGING PROPERTY AT THE SOUTH SIDE OF FIFTH STREET IN REID PARK, FROM R-1 TO R-2.

The scheduled hearing was held on Ordinance No. 493 Amending the Zoning Ordinance to amend the Building Zone Map of the Perimeter Area by changing property on the south side of Fifth Street in Reid Park, from R-1 to R-2, on petition of Frank N. Harton and wife.

Factual information as to the property and its surroundings was explained by the Planning Director.

Mr. Frank Harton, petitioner, stated that the property is located in the Perimeter Area just off Ross Avenue; that 30 feet is already in an

R-2. zone and he cannot accomplish the things he wishes to do with part of it in one zone and the other in a more restricted zone. He stated he purchased the property as an investment and urged that the rezoning be permitted.

Mr. and Mr. I. F. Quist spoke in opposition to the change in zoning. Mr. Quist filed a petition signed by the 42 residents of a single family colored development adjoining the property, who object to the change. He stated they have never been able to learn how a portion of the property got into an R-2 zone as it was all originally zoned R-1. He stated he owns a large tract of land in the adjoining R-2 zone and therefore objects to any change. That it is his opinion that Mr. Harton plans to come back and request a change from R-2 to B-1 and then again to Industrial.

Mrs. Quist stated that Mr. Harton obtained the property he owns under false representation as to its use and it/ <sup>will be decidedly</sup> injurious to the single family neighborhood to permit the change to R-2 in which duplex and apartments can be built for rental, to say nothing of further changes to B-1 and Industrial. She stated that they will purchase the property from Mr. Harton but he refuses to sell.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 494 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF THE PERIMETER AREA BY CHANGING PROPERTY BETWEEN LAMBETH DRIVE AND BENNETT STREET NORTH OF NORTH #29, FROM R-2 TO INDUSTRIAL.

The public hearing was held on Ordinance No. 494 Amending Chapter 21, Article II, Section 5 of the City Code amending the Building Zone Map of the Perimeter Area by changing property between Lambeth Drive and Bennett Street north of North #29, from R-2 to Industrial, on petition of M. E. Alexander, et al.

Mr. McIntyre, Planning Director, stated that the property in question is vacant with the exception of a building supply company being located on the rear portion. That the property lies about one mile beyond the Fair Grounds and is adjoined on the north and west by residential properties.

Mr. Charles Henderson, Attorney representing the petitioner, stated he has operated a Trailer Sales and Repair Company adjoining this property for a long while; that a new concern, Clark Equipment Company wishes to erect a plant on the property which is badly needed in Charlotte and will serve a great need, and the location is logical as it is in the trucking industry area. He urged that the rezoning be allowed for the expansion of business.

Mr. G. E. Johnson, who owns property adjoining that in question, expressed strong opposition to the proposed change.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 495 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF THE PERIMETER AREA BY CHANGING PROPERTY IN BERRYHILL TOWNSHIP, WEST OF CAMA STREET AND SOUTH OF BLAIR HILL ROAD, FROM R-2 TO B-1.

The scheduled hearing was held on Ordinance No. 495 Amending Chapter 21, Article II, Section 5 of the City Code amending the Building Zone Map

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of the Perimeter Area by changing property in Berryhill Township, west of Cama Street and south of Blair Hill Road, from R-2 to B-1, on petition of Realty Investment & Building Company.

Mr. McIntyre, Planning Director, stated that the property involves ten acres, presently occupied by a lake and an old warehouse building. That it is adjoined by residential property.

Mr. William Poe, Attorney, representing the petitioner, stated the property is 3/4 mile off York Road, and consists of 5 acres. That the petitioner wishes to open the lake for fishing and develop the area around the lake for recreation. That as far as they know there is no opposition to the change in zoning.

No opposition was expressed. Council decision was deferred for one week.

DECISION DEFERRED FOR ONE WEEK ON ORDINANCE NO. 485 AMENDING THE ZONING ORDINANCE TO AMEND THE BUILDING ZONE MAP OF CHARLOTTE, BY CHANGING PROPERTY BOUNDED BY TUCKASEEGEE ROAD, BIGHAM STREET, ROGERS STREET AND ENDERLY PARK BAPTIST CHURCH FROM R-2 TO B-1.

Ordinance No. 485 having been deferred for a recommendation from the Planning Board, was introduced and the City Manager presented the report and recommendation from the Board, which recommended its adoption, with the exception of the lots fronting on Rogers Street.

Councilman Albea moved the adoption of the ordinance as recommended by the Planning Board. The motion was seconded by Councilwoman Evans.

Councilman Dellinger offered a substitute motion that action be deferred for one week in order that the Council members may go out and see the property. The motion was seconded by Councilman Poard, and carried, with the votes cast as follows:

YEAS: Council members Baxter, Brown, Dellinger, Evans, Poard and Wilkinson.

NAYS: Councilman Albea.

ATTORNEY GENERAL TO BE REQUESTED TO GIVE RULING AS TO WHETHER PERIMETER AREA RESIDENTS MAY VOTE IN NEXT MUNICIPAL ELECTION AND RUN FOR OFFICE IN SAID ELECTION.

Councilman Baxter moved that the City Attorney be directed to write the Attorney General for an official ruling as to whether the Perimeter Area Citizens may vote in the next municipal election and run for office in the said election. The motion was seconded by Councilman Dellinger, and unanimously carried.

DR BILLY GRAHAM WELCOMED TO CHARLOTTE AND COUNCIL EXPRESSES HOPE THAT HIS CRUSADE WILL BE MOST SUCCESSFUL.

Councilman Baxter stated that due to the fact this is the last meeting before the Billy Graham Crusade, he moved that the City Council extend to Dr. Graham a warm welcome to Charlotte, with their hopes and prayers that his meetings will bring about a great spiritual awaking among our citizens. The motion was seconded by Councilwoman Evans, and unanimously carried.

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CONSTRUCTION OF WATER LINES ON PERCENTAGE BASIS MADE APPLICABLE TO PROPERTY OUTSIDE THE CITY.

Councilman Dellinger moved that the policy of the City with respect to building water lines on a percentage basis be made applicable to property outside the city. The motion was seconded by Councilman Baxter, and unanimously carried.

CONTRACT WITH AKERS MOTOR LINES AUTHORIZED FOR CONSTRUCTING WATER LINES OUTSIDE CITY LIMITS ON PERCENTAGE BASIS.

Councilman Dellinger moved that a contract in accordance with the policy of the City of Charlotte for constructing water lines on a percentage basis be approved with Akers Motor Lines when approved as to form by the City Manager and City Attorney. The motion was seconded by Councilman Wilkinson, and unanimously carried.

EMPLOYMENT OF TWO ADDITIONAL CROSSING GUARDS AUTHORIZED.

Councilwoman Evans moved that the employment of two additional crossing guards be authorized, to serve at the intersection of Seventh Street and Alexander Street, and at Seventh Street and Hawthorne Lane. The motion was seconded by Councilman Albea, and unanimously carried.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON OCTOBER 8TH ON ORDINANCE NO. 496 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF THE PERIMETER AREA BY CHANGING PROPERTY ON PLAZA ROAD AT MILTON ROAD, FROM RURAL TO B-1, ADOPTED.

Ordinance No. 496 Amending the Zoning Ordinance to amend the Building Zone Map of the Perimeter Area by changing property on Plaza Road at Milton Road, from Rural to B-1, on petition of G. R. Bradshaw and wife, was introduced and read. A Resolution Providing for a Public Hearing thereon on October 8th was then presented and read. Councilman Dellinger 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 249.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON OCTOBER 8TH ON ORDINANCE NO. 497 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF THE PERIMETER AREA BY CHANGING PROPERTY AT THE NW CORNER OF BRADFORD DRIVE AND LOCKLEVEN STREET, FROM R-2 TO B-1, ADOPTED.

Ordinance No. 497 Amending the Zoning Ordinance to amend the Building Zone Map of the Perimeter Area by changing property at the NW corner of Bradford Drive and Lockleven Street, from R-2 to B-1, on petition of F. W. Capps and wife, was introduced and read. A Resolution Providing for a Public Hearing thereon on October 8th was then presented 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 250.

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RESOLUTION PROVIDING FOR PUBLIC HEARING ON OCTOBER 8TH ON ORDINANCE NO. 498 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF THE PERIMETER AREA BY CHANGING PROPERTY BOUNDED BY LAKE JO, US #29-BYPASS, BEATTY'S FORD ROAD, HOLLY AND MADRID STREETS, FROM R-2 TO R-1, ADOPTED.

Ordinance No. 498 Amending the Zoning Ordinance to amend the Building Zone Map of the Perimeter Area by changing property bounded by Lake Jo, US #29-Bypass, Beatty's Ford Road, Holly and Madrid Streets, from R-2 to R-1, on petition of Lincoln Heights Community Improvement Association, was introduced and read. A Resolution Providing for a Public Hearing thereon on October 8th was then presented and read. Councilman Dellinger 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 251.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON OCTOBER 8TH ON ORDINANCE NO. 499 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING PROPERTY BOUNDED BY LAKE JO, US #29-BYPASS, BEATTY'S FORD ROAD, HOLLY AND MADRID STREETS, FROM R-2 TO R-1, ADOPTED.

Ordinance No. 499 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte by changing property bounded by Lake Jo, US #29-Bypass, Beatty's Ford Road, Holly and Madrid Streets, from R-2 to R-1, on petition of Lincoln Heights Community Improvement Association, was introduced and read. A Resolution Providing for a Public Hearing thereon on October 8th was then presented and read. Councilman Dellinger 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 252.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON ORDINANCE NO. 500 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 CHARLOTTE DRIVE AND AVONDALE AVENUE, FROM R-2 TO B-1, ADOPTED.

Ordinance No. 500 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte by changing property at the SE corner of Charlotte Drive and Avondale Avenue, from R-2 to B-1, on petition of Peter G. Leventis and wife, was introduced and read. A Resolution Providing for a Public Hearing thereon on October 8th was then 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 253.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON ORDINANCE NO. 501 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING PROPERTY ON THE WEST SIDE OF REMOUNT AVENUE, NORTH OF WILMONT ROAD, FROM R-2 TO B-1, ADOPTED.

Ordinance No. 501 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte by changing property on the west side of Remount Avenue, north of Wilmont Road, from R-2 to B-1, on petition of E.J. Withrow, was introduced and read. A Resolution Providing for a Public Hearing thereon on October 8th was then 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 254.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON ORDINANCE NO. 502 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 OFFICE-INSTITUTION TO B I-A, ADOPTED.

Ordinance No. 502 Amending the Zoning Ordinance, to amend the Building Zone Map of Charlotte by changing property on the south side of Independence Boulevard, east of Briar Creek Road from Office-Institution to B I-A, on petition of Phillips Investment Company, was introduced and read. A Resolution Providing for a Public Hearing thereon on October 8th was then presented and read. Councilman Dellinger 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 255.

RESOLUTION PROVIDING FOR A PUBLIC HEARING ON ORDINANCE NO. 503 AMENDING CHAPTER 21, ARTICLE I, SECTION 5 OF THE CITY CODE, ENTITLED, "BUSINESS I-A DISTRICT", SECTION "A" ENTITLED "USES PERMITTED", SUBSECTION 4, BY INSERTING AFTER THE WORDS "OFFICE BUILDINGS" AND BEFORE THE COMMA BEFORE THE WORDS "PRIVATE SCHOOLS", THE FOLLOWING "INCLUDING BUILDINGS FURNISHING SPACE FOR SAMPLE DISPLAY PURPOSES AT ANY LEVEL OF DISTRIBUTION", ADOPTED.

Ordinance No. 503 Amending Chapter 21, Article I, Section 5 of the City Code, entitled "Business I-A District", Section "A" entitled "Uses Permitted", Subsection 4, by inserting after the words "office buildings" and before the comma before the words "private schools", the following words -"including buildings furnishing space for sample display purposes at an level of distribution", on petition of Phillips Investment Company was introduced and read. A Resolution Providing for a Public Hearing thereon on October 8th was then presented and read. Councilman Dellinger 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 256.

RESOLUTION GRANTING PIEDMONT & NORTHERN RAILWAY COMPANY PERMISSION TO LAY SERVICE AND INDUSTRIAL TRACK ACROSS GLENWOOD DRIVE, PASSED FIRST READING.

A resolution entitled: "Resolution Granting Piedmont & Northern Railway Company Permission to Lay Service and Industrial Track across Glenwood Drive," was introduced and read, and upon motion of Councilman Wilkinson, seconded by Councilman Foard, and unanimously carried, passed on its first reading.

WEST 23RD STREET, FROM NORTH CHURCH STREET TO NORTH POPLAR STREET, AND NORTH POPLAR STREET, NORTH 200 FEET, TAKEN OVER FOR MAINTENANCE.

Upon motion of Councilman Brown, seconded by Councilman Dellinger, and unanimously carried, West 23rd Street, from N. Church Street to North Poplar Street, and North Poplar Street, north 200 feet, were taken over for city maintenance.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

Motion was made by Councilman Albea, seconded by Councilwoman Evans, and unanimously carried, authorizing the construction of driveway entrances as follows:

- (a) One 15-ft. driveway entrance on Lamar Avenue and One 20-ft. driveway on Park Drive, both for 322 Lamar Avenue.
- (b) One 15-ft. driveway entrance at 321 Argonne Drive.
- (c) One 20-ft. driveway entrance at 806 Baldwin Circle.
- (d) Two 12-ft. driveway entrances on Morningside Drive for 1017 Independence Boulevard.
- (e) One 12-ft. driveway entrance at 3733 Monroe Road.
- (f) One 12-ft. driveway entrance at 3909 Monroe Road.
- (g) One 15-ft. driveway entrance at 914 Hawthorne Lane.
- (h) Two 35-ft. driveway entrances at 3200 Cullman Avenue.
- (i) Two 15-ft. and One 10-ft. driveway entrance at 3209-3213 Cullman Avenue.

CONSTRUCTION OF SANITARY SEWER MAINS IN NORTH DAVIDSON STREET, LINCOLN HEIGHTS AND IN BIRCHCREST DRIVE, AUTHORIZED.

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

- (a) Construction of 276-ft of sewer main in N. Davidson Street, at request of Edison Foard Construction Company to serve 4 business units. Cost estimated at \$1,195.00 to be borne by the City.
- (b) Construction of 125-ft. of sewer main in Lincoln Heights, at request of Helms Construction Company to serve 6 family units. Cost estimated at \$620.00 to be borne by the City.
- (c) Construction of 915-ft. of sewer main in Birchcrest Drive, Darby Acres #2, at request of Donald B. Stilwell, RFD #2, to serve residential property, at an estimated cost of \$4,280.00, to be borne by the City, with refund of applicant's deposit of the full amount.

CONTRACT AWARDED INTERNATIONAL HARVESTER COMPANY FOR ONE PICK-UP TRUCK FOR WATER DEPARTMENT.

Upon motion of Councilman Brown, seconded by Councilman Foard, and unanimously carried, contract was awarded International Harvester Company for One International 3/4 Ton Pick-up Truck, as specified, at a net delivered price of \$1,738.90.

The low bid of Hollingsworth GMC Trucks, Inc., was not accepted due to delivery being given as from three to four weeks, while the delivery time of the second lowest bidder, International Harvester Company, to whom the contract was awarded, was three to four days, and the truck was badly needed in connection with the new Filter Plant operation.

Bids received were as follows:

Hollingsworth GMC Trucks, Inc.	\$1,728.52
International Harvester Company	\$1,738.90
Young Motor Company	\$1,759.00
City Chevrolet Company	\$1,790.18

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RENEWAL OF SPECIAL OFFICER PERMIT TO PAUL L. HOWELL ON PREMISES OF SOUTHERN RAILWAY COMPANY.

Councilwoman Evans moved approval of the renewal of the Special Officer Permit to Paul L. Howell on the premises of Southern Railway Company. The motion was seconded by Councilman Dellinger, and unanimously carried.

CONTRACT WITH S.H. KIRKPATRICK COMPANY FOR INSTALLATION OF WATER MAIN IN SOUTHVIEW AVENUE, APPROVED.

Motion was made by Councilman Wilkinson, seconded by Councilman Brown, and unanimously carried, authorizing contract with S. H. Kirkpatrick Company for the installation of 650 feet of water main in Southview Ave., outside the city limits, at an estimated cost of \$1,050.00. All costs to be borne by the applicant, who will dedicate the main to the City without cost or further agreement, upon acceptance by the City.

EXTENSION OF SICK LEAVE GRANTED EMPLOYEES OF AIRPORT AND POLICE DEPARTMENTS.

Upon motion of Councilman Baxter, seconded by Councilman Dellinger, and unanimously carried, extensions of sick leave were granted the following employees:

- (a) Extension of sick leave to Robert L. Jones, laborer at Airport, through September 15, 1958.
- (b) Extension of sick leave to Mrs. Eloise B. Brown, and W. J. Horton, Police Department employees, through September 30, 1958.

CLAIM OF THOMAS BE SNODGRASS, JR. FOR DAMAGES TO STATION WAGON REFERRED TO CITY ATTORNEY.

Upon motion of Councilman Wilkinson, seconded by Councilman Brown, and unanimously carried, Claim filed by Mr. Parker Wheadon, Attorney in behalf of his client Mr. Thomas B. Snodgrass, Jr., for damages to his station wagon by a Police Car on July 21, 1958, in the amount of \$1,510.00, was referred to the City Attorney for handling.

TRANSFER OF CEMETERY LOTS.

Councilman Brown moved that the Mayor and City Clerk be authorized to execute deeds for the transfer of the following cemetery lots, which was seconded by Councilman Albea, and unanimously carried:

- (a) Deed with Zanis Helmanis, for Lot 314, Section 4-A, Evergreen Cemetery, at \$126.00.
- (b) Deed with Mrs W. D. Hutton, Sr. for Lot 138, Section 5, Oaklawn Cemetery, at \$50.00.
- (c) Deed with The Salvation Army, for Lot 15, Section 1, Oaklawn Cemetery, transferred from the Estate of F. L. Harkey, at \$1.00 for new deed.
- (d) Deed with Mrs Ann Hall Nelson, for Lot 216, Graves #1, and #2, Section 6, Oaklawn Cemetery, at \$95.00.

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CONTRACT AWARDED TOOMEY BROS FOR INSTALLATION OF BOILERS IN CITY HALL.

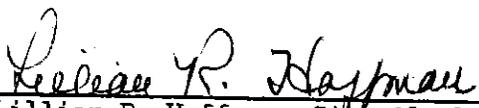
Upon motion of Councilwoman Evans, seconded by Councilman Dellinger, and unanimously carried, contract was awarded Toomey Bros Company on their negotiated bid price of \$11,587.00, for the installation of two boilers in the City Hall. Mr. Yancey, the City Manager, having advised that under the law the city is privileged to negotiate with the low bidder for a lower price, and by virtue of such negotiation and the placing of the oil tank outside the building, the bidder was able to reduce his bid price of \$13,971.00 to \$11,587.00.

Bids received are as follows:

Toomey Bros.	\$13,971.00
Tompkins-Johnston	\$14,639.00
Charles E. Petty	\$16,692.00
W. T. Branson	\$15,545.00
J. V. Andrews	\$15,650.00
P. C. Godfrey	\$16,922.00
Southern Piping Co.	\$15,547.00

ADJOURNMENT.

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

  
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Lillian R. Hoffman, City Clerk