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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, April 10, 1957, at 3 o'clock p.m., with Mayor pro tem Smith presiding, and Council members Albea, Baxter, Brown, Dellinger, Evans and Wilkinson being present.

ABSENT: Mayor Van Every

Also present during the hearings on Ordinances to Amend the Zoning Ordinance were Charlotte-Mecklenburg Planning Commission Chairman Wilkinson and Commissioners Craig, Hook, McClure, Martin, Schwartz and Toy.

ABSENT: Commissioners Hanks, Sibley and Marsh.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilwoman Evans, seconded by Councilman Brown and un-animously carried, the Minutes of the last meeting of the City Council on April 3, 1957 were approved as submitted.

HEARING ON ORDINANCE NO. 373 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE, BY AMENDING THE BUILDING ZONE MAP OF THE CITY OF CHARLOTTE BY CHANGING FROM R-2 TO B-1, PROPERTY AT THE INTERSECTION OF EAST 36TH STREET AND NORTH DAVIDSON STREET, ON PETITION OF THE AMERICAN TRUST COMPANY,

The scheduled hearing was held on Ordinance No. 373 Amending Chapter 21, Article I, Section 2 of the City Code, by amending the Building Zone Map of the City of Charlotte by changing from R-2 to B-1 property at the intersection of East 36th Street and N. Davidson Street, on petition of the American Trust Company.

Mr. McIntyre, Director of the Planning Commission, presented a map of the area and stated the property consists of one vacant lot used for parking; that across Davidson Street the property is zoned and used for business purposes, and across 36th Street is a church and residential development.

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Mr. Thomas Ruff, Attorney advised that the petitioner, American Trust Company, wishes to erect a branch bank on the lot and that the zoning change from R-2 to B-1 will merely enlarge the present B-1 zone adjoining, and that the improvement to the property will benefit the neighborhood.

No objections to the proposed rezoning was voiced.

Decision of the Council on the request was deferred for one week.

HEARING ON ORDINANCE NO. 374 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE, BY AMENDING THE BUILDING ZONE MAP OF THE CITY OF CHARLOTTE BY CHANGING FROM R-2 AND B-1, TO R-1, PROPERTY IN THE BIDDLE HEIGHTS COMMUNITY, ON PETITION OF ROBERT P. INGRAM.

The hearing was held on Ordinance No. 374 Amending Chapter 21, Article I, Section 2 of the City Code, by amending the Building Zone Map of the City of Charlotte by changing from R-2 and B-1 to R-1 property in the Biddle Heights community, on petition of Robert P. Ingram.

The location of the property and surrounding area was explained by the Planning Director, who stated the property consists of a fairly large neighborhood lying east of Beatty's Ford Road and extending some three blocks; that it is presently largely developed with single family homes; that the change would create four non-conforming uses of apartments and duplexes; that more than half of the area is vacant; that nine lots are zoned for business but most of the development in the Business area is residential and that the property extends generally from Lincoln Boulevard to Russell Street.

Mr. Robert Ingram, the petitioner, representing the property owners of the area stated when they purchased their property for their homes, it was understood that it would be a residential area occupied by the property owners; however, after the area was taken into the city there have been many encroachments and the area has deteriorated until there is much drinking and cursing by rental tenants. He urged that a higher zoning classification be allowed so that the area would be desirable. He stated that the petition for the change in zoning was signed by every property owner with the exception of four who were not present at the meeting when the petition was signed.

No objections to the proposed rezoning was expressed.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 375 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE, BY AMENDING THE BUILDING ZONE MAP OF THE CITY OF CHARLOTTE BY CHANGING FROM R-2 TO B-2 PROPERTY IN CHERRYTON, NEAR THOMPSON ORPHANAGE PROPERTY, ON PETITION OF MRS. MARGUERITE S. MYERS.

The public hearing was held on Ordinance No. 375 Amending Chapter 21, Article I, Section 2 of the City Code, by amending the Building Zone Map of the City of Charlotte by changing from R-2 to B-2 property in Cherryton, near Thompson Orphanage property, on petition of Mrs. Marguerite S. Myers.

The location of the property and surrounding area was explained by the Planning Director, who stated the property consists of a fairly large neighborhood lying east of Beatty's Ford Road and extending some three blocks; that it is presently largely developed with single family homes; that the change would create four non-conforming uses of apartments and duplexes; that more than half of the area is vacant; that nine lots are zoned for business but most of the development in the Business area is residential and that the property extends generally from Lincoln Boulevard to Russell Street.

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Factual information as to the property and its surroundings was given by the Planning Director, who stated the property is 250' by 250' in size and is partly vacant and otherwise developed with single family homes; that it lies behind Baldwin Circle, adjoining Thompson Orphanage property and adjoins a B-2 area.

Mr. Myers, son of the petitioner, advised they had owned the property since the early 1920s and wished to develop it for business.

No objections to the proposed change were expressed.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 376 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE, BY AMENDING THE BUILDING ZONE MAP OF THE CITY OF CHARLOTTE BY CHANGING FROM R-1 TO B-1 PROPERTY LOCATED AT 1200-02 THE PLAZA, ON PETITION OF ERNEST F. DIXSON.

The scheduled hearing was held on Ordinance No. 376 Amending Chapter 21, Article I, Section 2 of the City Code, by amending the Building Zone Map of the City of Charlotte by changing from R-1 to B-1 property located at 1200-02 The Plaza, on petition of Ernest F. Dixon.

Mr. McIntyre, Director of the Planning Commission, presented a map of the area and stated the property consists of one vacant lot, size 54' x 127' and is located at the north-east corner of Commonwealth Avenue and the Plaza. He advised further that the rezoning is mandatory under the State Zoning Law providing that where three corner lots are zoned for business, the fourth corner lot must be given the same classification.

No objections to the proposed change were expressed.

Decision of the Council was deferred for one week.

HEARING ON ORDINANCE NO. 377 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE, BY AMENDING THE BUILDING ZONE MAP OF THE CITY OF CHARLOTTE BY CHANGING FROM INDUSTRIAL AND R-2 TO B-1 PROPERTY LOCATED BETWEEN FANNIE CIRCLE AND MONTROSE DRIVE ON PETITION OF ARTHUR S. GRIER,

The hearing was held on Ordinance No. 377 Amending Chapter 21, Article I, Section 2 of the City Code, by amending the Building Zone Map of the City of Charlotte by changing from Industrial and R-2 to B-1 the property located between Fannie Circle and Montrose Drive, on petition of Arthur S. Grier.

The location of the property and surrounding area was explained by the Planning Director, who advised this is a small parcel of land 200' x 150' fronting on Monroe Road just beyond the Firemen's Hall at the end of East 7th Street where it becomes Monroe Road; that it is presently developed for business and residences; that across Monroe Road in both directions the area is zoned Industrial and used for business purposes, and to the rear are single family residences.

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Mr. Arthur Grier, the petitioner, advised he owns all of the adjoining property and that he wishes the R-2 restrictions lifted so that the property will be zoned alike, although he has no immediate plans for its development.

No objections to the proposed zoning change were expressed.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 378 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE, BY AMENDING THE BUILDING ZONE MAP OF THE CHARLOTTE PERIMETER AREA, BY CHANGING FROM RURAL TO INDUSTRIAL PROPERTY ON BOTH SIDES OF STATESVILLE ROAD, BETWEEN OLD STATESVILLE ROAD AND WILTON STREET, ON PETITION OF MRS. EFFIE C. CARRAWAY.

A public hearing was held on Ordinance No. 378 Amending Chapter 21, Article II, Section 5 of the City Code, by amending the Building Zone Map of the Charlotte Perimeter Area, by changing from Rural to Industrial property on both sides of Statesville Road, between Old Statesville Road and Wilton Street, on petition of Mrs. Effie C. Carraway.

Factual information as to the property was given by Mr. McIntyre, Planning Director, who advised the property is located just beyond the City Limits on Statesville Road; that it is 400' x 500' in size and very largely vacant with the exception of one retail establishment; that the zoning to the north is Business; on the west Residential extending for one block up Statesville Road and on the east is adjoined by the City's property used until recently as a Garbage Landfill area.

Mr. Parker Wheadon, attorney, stated that his client, the petitioner Mrs. Carraway has owned the property for some twenty years and operates a grocery store thereon; that she is a widow and must realize a living from the property, however, with the City's Garbage Dump adjoining and the property up to the city limits being zoned Industrial, her property cannot be developed residentially and she now has an opportunity to lease a portion to an Oil Company if the rezoning is permitted.

No objections to the proposed rezoning were expressed.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 379 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE, BY AMENDING THE BUILDING ZONE MAP OF THE CHARLOTTE PERIMETER AREA, BY CHANGING FROM R-2 TO B-2 PROPERTY ON THE SOUTH SIDE OF HOSKINS AVENUE, NEAR BEECHWOOD ACRES, ON PETITION OF ERVIN CONSTRUCTION COMPANY.

The public hearing was held on Ordinance No. 379 Amending Chapter 21, Article II, Section 5 of the City Code, by amending the Building Zone Map of the Charlotte Perimeter Area, by changing from R-2 to B-2 property on the south side of Hoskins Avenue, near Beechwood Acres, on petition of Ervin Construction Company.

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Mr. McIntyre, Planning Director, presented a map of the area and stated the property consists of 3.5 acres of vacant land adjoining the P & N Railway; that across Hoskins Avenue is Brown Trailer Camp and vacant land; to the south is the rear line of residence fronting on Welling Street and across the street is The Spatex Corporation; that all of the adjoining land is zoned R-2 with the exception of the Spatex Corp. property, which is zoned Industrially.

No opposition to the proposed rezoning was expressed.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 380 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE, BY AMENDING THE BUILDING ZONE MAP OF THE CHARLOTTE PERIMETER AREA, BY CHANGING FROM R-2 TO B I-A PROPERTY LOCATED ON INDEPENDENCE BOULEVARD, IN FRONT OF AMITY GARDENS, ON PETITION OF ERVIN CONSTRUCTION CO.

The scheduled hearing was held on Ordinance No. 380 Amending Chapter 21, Article II, Section 5 of the City Code, by amending the Building Zone Map of the Charlotte Perimeter Area, by changing from R-2 to B I-A property located on Independence Boulevard, in front of Amity Gardens, on petition of Ervin Construction Company.

Mr. McIntyre, Planning Director, stated the property is adjoined on the south by a wholesale establishment; on the east by vacant property; on the north by Amity Gardens and across Independence Boulevard is vacant land zoned for Business.

No objections to the proposed change in zoning were expressed.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 381 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE, BY AMENDING THE BUILDING ZONE MAP OF THE CHARLOTTE PERIMETER AREA, BY CHANGING FROM RURAL TO INDUSTRIAL PROPERTY SOUTH OF THE P & N RAILWAY MAIN LINE, NEAR CHEMWAY ROAD, ON PETITION OF THE P & N RAILWAY COMPANY.

The public hearing was held on Ordinance No. 381 Amending Chapter 21, Article II, Section 5 of the City Code, by amending the Building Zone Map of the Charlotte Perimeter Area, by changing from Rural to Industrial property south of the P & N Railway main line near Chemway Road, on petition of the Piedmont & Northern Railway Company.

Factual information as to the property and its surroundings was given by the Planning Director, who advised it is a triangular piece of land, now vacant and joined on the east by other vacant land zoned Industrially and on the north by the P & N Railway.

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Mr. Franklin Way, representing the petitioner, P & N Railway Company, stated they own the adjoining property on three sides, and that he is present to answer any questions regarding the property.

No opposition to the proposed rezoning was expressed.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 382 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE, BY AMENDING THE BUILDING ZONE MAP OF THE CHARLOTTE PERIMETER AREA, BY CHANGING FROM R-2 TO B I-A PROPERTY ON THE RIGHT SIDE OF INDEPENDENCE BOULEVARD, APPROXIMATELY 400 FEET EAST OF ALBEMARLE ROAD, ON PETITION OF ROBERT W. MCMANUS.

The scheduled hearing was held on Ordinance No. 382 Amending Chapter 21, Article II, Section 5 of the City Code, by amending the Building Zone Map of the Charlotte Perimeter Area, by changing from R-2 to B I-A property on the right side of Independence Boulevard, approximately 400 feet east of Albemarle Road, on petition of Robert W. McManus.

The location of the property and its surrounding area was explained by the Planning Director, who stated the property adjoins that of Ervin Construction Company on Independence Boulevard, who is today requesting a similar change in zoning, and the conditions and surrounding area are the same as set forth in the second previous item of these Minutes relative to the Ervin Construction Company property.

No objections were expressed to the proposed change.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 383 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE, BY AMENDING THE BUILDING ZONE MAP OF THE CHARLOTTE PERIMETER AREA, BY CHANGING FROM RURAL TO INDUSTRIAL PROPERTY ON THE SOUTH SIDE OF THE P & N RAILWAY, EAST OF TODDVILLE ROAD, ON PETITION OF MCCALL BROS. PUMP & WELL COMPANY.

The scheduled hearing was held on Ordinance No. 383 Amending Chapter 21, Article II, Section 5 of the City Code, by amending the Building Zone Map of the Charlotte Perimeter Area, by changing from Rural to Industrial property on the south side of the P & N Railway, east of Toddville Road, on petition of McCall Bros. Pump & Well Company.

Factual information as to the property and its surroundings was given by Mr. McIntyre, Planning Director, who stated the property adjoins that of the P & N Railway Company, on which a similar change in zoning is today requested, and that the conditions and surrounding area are the same as set forth in the second previous item of these Minutes relative to the said P & N Railway Company.

Mr. Charlie Henderson, Attorney for the petitioner, McCall Bros. Pump and Well Company, advised the company is expanding and needs additional

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space; also they wish to lease a portion of their property to a new industry, Railway Supply Company, which will come to Charlotte if the zoning change is approved.

Mr. Ray Bradly, Attorney for Railway Supply Company, introduced Mr. J.D. Mashburn, representative of The Railway Supply Company, who advised in reply to the question of Councilwoman Evans, that the Company would employ from 75 to 125 persons.

No objections to the proposed change were expressed.

Council decision was deferred for one week.

MEETING RECESSED AT 3:40 P.M. UNTIL 4 P.M. AND MEMBERS OF THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION WITHDREW.

Mayor pro tem Smith called a recess of the meeting at 3:40 p.m., until 4 p.m. and the members of the Charlotte-Mecklenburg Planning Commission withdrew from the meeting, all zoning hearings having been completed.

MEETING RECONVENED AT 4 P.M.

The meeting was reconvened at 4 o'clock p.m. and called to order by Mayor pro tem Smith.

ORDINANCE NO. 387 REGULATING PARKING UPON PUBLIC PROPERTY ON DRIVEWAYS LOCATED THEREON.

An ordinance entitled: "Ordinance No. 387 Regulating Parking Upon Public Property On Driveways Located Thereon" was introduced and read, and upon motion of Councilman Baxter, seconded by Councilman Brown, was unanimously adopted. The ordinance is recorded in full in Ordinance Book 12, at Page 132.

QUIT-CLAIM DEED AUTHORIZED TO E. C. GRIFFITH COMPANY RELEASING CITY'S TITLE TO AND INTEREST IN SANITARY SEWER RIGHT-OF-WAY FROM HEMPSTEAD PLACE TO MUSEUM PLACE.

Upon motion of Councilwoman Evans, seconded by Councilman Baxter, and unanimously carried, a Quit-Claim Deed was authorized to E. C. Griffith Company releasing the City's title to and interest in a sanitary sewer right-of-way from Hempstead Place, crossing Lots H, G, F, K and L of Eastover, to Museum Place, the City having rerouted the sewer line.

CONTRACT AWARDED GEO. G. SCOTT & COMPANY FOR ANNUAL AUDIT OF CITY'S ACCOUNTS FOR FISCAL YEAR ENDING JUNE 30, 1957.

Councilman Brown moved that contract be awarded Geo. G. Scott & Company for making the annual audit of the city's accounts for the fiscal year ending June 30, 1957, at a cost of \$7,500.00. The motion was seconded by Councilman Baxter, and unanimously carried.

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CONSTRUCTION OF SANITARY SEWERS AUTHORIZED.

Motion was made by Councilman Dellinger, seconded by Councilman Wilkinson, and unanimously carried, authorizing the construction of sanitary sewers, as follows:

- (a) Construction of 2,186-feet of 8-inch sanitary sewer trunk and mains in Lincoln Heights, to serve 10 family units, at request of Marsh Realty Company, at an estimated cost of \$7,710.00. All costs to be borne by the City, and applicant's required deposit of \$4,908.00 to be refunded as per terms of the contract.
- (b) Construction of 3,888-feet of 8-inch sanitary sewer mains in Clanton Park, to serve a portion of the Park, at request of John Crosland Company, at an estimated cost of \$12,510.00. All costs to be borne by the City, and applicant's required deposit of the full amount to be refunded as per terms of the contract.
- (c) Construction of 150-feet of 8-inch sanitary sewer main in Roslyn Avenue, to serve two family units, at request of Evans Construction Company at an estimated cost of \$545.00. All costs to be borne by the City, with no refund to be made of applicant's required deposit of \$145.00.
- (d) Construction of 165-feet of 8-inch sanitary sewer main in Garnette Place, to serve 4 vacant lots, at request of Evans Construction Company at an estimated cost of \$415.00. All costs to be borne by the City, and applicant's required deposit of \$415.00 to be refunded as per terms of the contract.
- (e) Construction of 844-feet of 8-inch sanitary sewer main in Brixton Court, to serve 21 vacant lots, at request of Evans Construction Company at an estimated cost of \$3,300.00. All costs to be borne by the City, and applicant's required deposit of the full amount to be refunded as per the terms of the contract.

INSTALLATION OF WATER MAINS IN J. C. EVANS PROPERTY TO SERVE RESIDENTIAL LOTS ABUTTING ON HARROW PLACE, BRIXTON COURT AND HILLSIDE DRIVE.

Upon motion of Councilman Wilkinson, seconded by Councilman Brown, and unanimously carried, the installation of 2,085 feet of water mains and 2 hydrants were authorized in the J. C. Evans property, to serve residential lots abutting on Harrow Place, Brixton Court and Hillside Drive, at an estimated cost of \$5,215.00. All costs to be financed by the City and Applicant to guarantee a gross annual water revenue equal to 10% of the cost.

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CONTRACT AWARDED THOMAS A. EDISON, INC. FOR RECORDING EQUIPMENT FOR FIRE DEPARTMENT.

Bids on Recording Equipment for the Fire Department, Fire Alarm Division, were considered, and Mr. Robert Wells, representing the high bidder, Dictaphone Corporation advised his equipment would save the City \$100.00 annually as it could be operated for 8 cents per hour, whereas the equipment of the low bidder, Thomas A. Edison, Inc., would cost 12 to 16 cents per hour. He stated further that his equipment is a special design to meet the City's need, and is used in the Charlotte Police Department, and is the only equipment approved by Gamewell Company, manufactures of fire equipment.

Mr. Arnold McBryer, representing the low bidder, Thomas A. Edison, Inc., stated that the operating cost of both his equipment and that of the high bidder, Dictaphone Corp., is the same, 8 cents per hour; however, his cost for index slips for the equipment is 1/4 of a cent compared with that of Dictaphone, Inc., at 8/10 of a cent. Also, that his company gives a written contract of \$66.00 per year for maintenance and the first three months maintenance is free.

Councilman Wilkinson moved that the contract be awarded the low bidder, Thomas A. Edison, Inc., for One Edison Continuous Recorder with voice operated relay and One Edison Telephone Recorder with voice operated relay, all as specified, at a total net exchanged delivered price of \$1,155.00.

The following bids on the equipment were received:

Thomas A. Edison, Inc.	\$1,155.00
The Lanier Company	\$1,164.00
Dictaphone Corporation	\$1,205.00

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 on Beatties Ford Road and two 35-ft. entrances on LaSalle Street, all for Sinclair Refining Company at 2101 Beatties Ford Road.
- (b) One 15-ft entrance at 1237 The Plaza.
- (c) One 10-ft entrance at 612 Walnut Avenue.
- (d) Two 12-ft. entrances at 309 S. Laurel Avenue.
- (e) One 20-ft entrance at 317 Stonewall Street.
- (f) One 30-ft entrance at Independence Boulevard and extension of present 20-ft entrance to 30-ft. on Stonewall St., all for 1200 Independence Blvd.

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SALE OF TAXICAB KNOWN AS RED TOP CAB #146 BY JACK N. OWENS TO WILLIAM E. BRIGMAN, OPERATOR OF RED TOP CAB #143, AUTHORIZED.

Upon motion of Councilman Brown, seconded by Councilman Dellinger, and unanimously carried, the sale of taxicab known as Red Top Cab #146 by Jack N. Owens to William E. Brigman, owner and operator of Red Top Cab #143, at a price of \$1,500.00, ^{was} authorized as recommended by the Taxicab Inspector.

EASTER HOLIDAY GRANTED CITY EMPLOYEES ON MONDAY, APRIL 22ND.

Councilman Albea moved that a holiday be granted city employees on Monday, April 22nd in observance of Easter. The motion was seconded by Councilman Wilkinson.

Councilwoman Evans suggested that a schedule of holidays for the year be adopted instead of authorizing each holiday individually just prior to the holiday, in order that the information may be used in employing new personnel and so that all employees know in advance what to expect. The opinion was expressed by various Councilmen that the present method of granting holidays is effective and understood by all employees. A vote was taken on the motion to grant the Easter holiday, and unanimously carried.

TRANSFER OF CEMETERY LOTS.

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

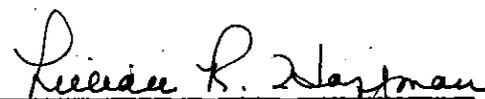
- (a) Deed with Rudolph B. Ashton and wife, for Lot 434, Section 8, Oaklawn Cemetery, at \$104.50.
- (b) Deed with A. P. Roughton, for Grave #2 in Lot 106, Section 3, Evergreen Cemetery, at \$40.00.
- (c) Duplicate deed with Mrs. Lessie W. Gilmore, for Lot 76, Section L-Annex, Elmwood Cemetery, at \$1.00.

CLAIM OF MRS. RUTH MCCARTHY FOR PERSONAL INJURIES REFERRED TO CITY ATTORNEY.

The claim of Mrs. Ruth McCarthy, in the amount of \$15,000.00 for injuries sustained on the night of February 2, 1957 from a fall on the sidewalk in front of 106 Colville Road, alleged to have been caused by a broken curb, was referred to the City Attorney, upon motion of Councilman Dellinger, seconded by Councilman Brown, and unanimously carried.

ADJOURNMENT.

Upon motion of Councilman Albea, seconded by Councilwoman Evans, and unanimously carried, the meeting was adjourned.


Lillian R. Hoffman, City Clerk