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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 15, 1959, 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

Planning Board Members Sibley, Chairman and Craig, Hanks, Hook, Ervin, Marsh, Schwartz, Toy and Wilkinson being present.

ABSENT: Mr. McClure.

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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 April 8, 1959 were approved as submitted.

#### HEARING ON ORDINANCE NO. 541 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE.

The public hearing was held on Ordinance No. 541 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte by changing property on both sides of Commonwealth Avenue, between The Plaza and St. Julian Street, from R-1 and R-2 to B 1-A, on petition of all the property owners in the 2100 block of Commonwealth Avenue, with the exception of the four properties already zoned B 1-A.

Mr. McIntyre, Planning Director, presented a map of the area and gave factual information as to the zoning of the property in question and surrounding area.

Mr. Jack Hamilton was spokesman for a large delegation of property owners residing in the block in question, who stated the growth pattern in the area has changed since the opening of Independence Boulevard, bringing business to the surrounding areas, and in fact to the corner lots in their block, which businesses operate the clock around, many with flashing neon signs, thus making the present residential zoning unrealistic. He stated they are simply requesting that this block be zoned for business the same as the surrounding area is zoned, so that it will not be left as a residential island, with decreased property valuations. Mr. Hamilton stated that zoning laws are made predominately for the protection of the citizens, and they are asking that they be given this protection by the Council.

Mr. Walter Black, resident of the area, stated the residents of this section are all salaried people, who purchased their homes in this quiet neighborhood some twenty years ago and have developed their properties; they

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are interested in the growth and development of Charlotte and offered no objections when business encroached the area at the corner lots, but they do want to be able to protect their investments.

No opposition to the petition for the change in zoning was expressed by the public.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 542 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE.

The scheduled hearing was held on Ordinance No. 542 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte by changing property on both sides of Independence Boulevard, between The Plaza and St. Julian Street, from R-1 and R-2 to B-1, on petition of all the property owners in the 1500 block of Independence Boulevard with the exception of the three properties already zoned B-1.

Factual information as <sup>to</sup> the zoning of the property and surrounding area was given by the Planning Director, who also presented a map of the property, and stated the area is developed residentially with the exception of a school and one small business; that the property in question is adjoined by an R-2 zone on the east, an R-1 zone on the south and across The Plaza generally developed and zoned B-1.

No opposition to the proposed changed was expressed by the public.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 543 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE.

The public hearing was held on Ordinance No. 543 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte by changing property on the west side of Camp Greene Avenue, north of Freedom Drive, from R-2 to B-1, on petition of Charles R. McArn and wife, 513 South Tryon Street.

The Planning Director gave factual information as to the zoning of the property and surrounding area and presented a map of the property, and stated the property is 300' by 500', and is adjoined on the southwest by a B-1 zone, on the northeast and northwest by R-2 zones and at the rear property line by a R-2 zone.

Mr. Ray Rankin, Attorney, representing the petitioners stated that all four corners of Camp Greene Avenue and Freedom Drive are zoned B-1, and they do not feel that any further residential development of the property would be feasible.

No opposition to the proposed rezoning was offered by the public.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 545 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE.

The scheduled hearing was held on Ordinance No. 545 Amending the Zoning Ordinance to amend the Building Zone Map of the Perimeter Area, by changing property on the south side of Woodlawn Road, west of Hazel Street, from Rural to B-1, on petition of Mr. Lester Hoyle, RFD #144.

Mr. McIntyre, Planning Director, presented a map of the property and stated this is an irregularly shaped property near York Road, predominately used for a Trailer Park; that it fronts 175 feet on Woodlawn Road, and is adjoined by R-2 and B-1 zones.

Mr. Charles Myers, Attorney representing the petitioner, stated that in 1955 Mr. Hoyle put 10 trailers on the property prior to the adoption of perimeter zoning and he now wishes to expand at the rear of the land towards the Southern Railway, put in a few more trailers and use the remainder of the property for a park for the children of the occupants of the trailers. He stated that the occupants are permanent, no transients are accepted, and since the opening of the Trailer Park by Mr. Hoyle, no occupant has had any conflict with law enforcement officers, and the Park is operated in an orderly fashion. At the request of Mr. Myers, a number of the occupants of the trailers who were present stood and expressed their approval of the petition for a change in zoning in order to expand and improve the property.

Mr. Tommy Lajoie stated he is the owner of property in the vicinity and does not wish to see any great change made in the zoning of the area, however, he has no objection to the Trailer Park nor to a change in the zoning of Mr. Hoyle's property.

Council decision was deferred for one week.

#### HEARING ON ORDINANCE NO. 546 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE.

The public hearing was held on Ordinance No. 546 Amending the Zoning Ordinance to amend the Building Zone Map of the Perimeter Area, by changing property on the north side of McGee Street, between Mount Holly Road and NC #16, from R-2 to B-1, on petition of Mr. Hiram S. Green and wife, 3524 Rozzells Ferry Road.

A map of the property was presented by the Planning Director, who gave factual information regarding the area, stating the property in question consists of a single tract extending between Mt. Holly Road and Highway #16.

Mr. Roy McKnight, Jr. Attorney for the petitioners stated the property fronts 119 feet on Rozzells Ferry Road across from the Seaboard Railway tracks. That it is adjoined on the south by a B-1 zone, and on the west by Highway #16 and to the north and east the land is low and swampy. He stated if the Council does not see fit to rezone all of the property, his client would like one-half of it rezoned at least.

Mr. J. G. Lassiter, a resident of the area, stated he has a petition signed by every home owners in the block opposing the proposed zoning; that all of the property owners have their life savings tied up in their homes and want to keep the area residential.

Council decision was deferred for one week.

#### HEARING ON ORDINANCE NO. 546 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE.

The scheduled hearing was held on Ordinance No. 546 Amending the Zoning Ordinance to amend the Building Zone Map of the Perimeter Area by changing property on the north side of Independence Boulevard, west of Campbell's Creek, from Rural to B 1-A, on petition of Mr. E. Fred Dunn, 1104 Waterman Avenue and others.

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Factual information as to the property and surrounding area was given by the Planning Director, who also presented a map of the property, and stated the property is situated on the edge of the perimeter area.

Mr. Paul Jamison, Attorney representing the petitioner, stated there was no known opposition to the change in zoning and urged that their request be granted.

Mr. David Lucas, representing Mrs. Charles Lucas, who owns the adjoining land, stated they are opposed to any change in zoning and do not want their property hurt.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 547 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE.

The public hearing was held on Ordinance No. 547 Amending the Zoning Ordinance to amend the Building Zone Map of the Perimeter Area by changing property on the north side of Albemarle Road, west of Lansdale Drive, from Rural to B-1, on petition of Easthaven Development Company.

Mr. McIntyre, Planning Director, presented a map of the property and gave factual information regarding the property and surrounding area, stating the property in question fronts on Albemarle Road for 750', with a depth of 370'; that the property behind it is generally vacant, across the street and to the west it is generally developed residentially.

Mr. Ray Rankin, Attorney for the petitioner, stated that the adjoining property on the west is zoned B-1; that the petitioner has had a warehouse on the property for some ten years, and he wishes to construct a Shopping Center on the property, which is badly needed within the area and there is sufficient land to provide a buffer zone, and to erect a redwood fence which would completely cut it off from view of the residential property. He filed a petition signed by the adjoining property owners stating they had no opposition to the proposed rezoning.

Mr. Ray Bradley, Attorney, filed a petition which he stated represents 95% of the property owners within the adjoining two blocks, opposing the change in zoning, which they state would affect the tract of land lying immediately to the west of and adjacent to Darby Acres.

Mr. John Yates, spoke in opposition to the proposed zoning, saying he purchased a \$21,000.00 house in the adjoining area one year ago, and they do not want nor need a shopping center nearby. Mr. Sam Parks, Mr. DeWitt Prather, Mr. D. T. Brown, Mrs. Beatty Blanton, Mr. E. H. Dance, Mr. Jim O. Long, and Mr. Harold Griffin, all property owners in the adjoining area, protested vigorously the rezoning of the property.

Mr. Rankin, Attorney for the petitioner, stated he questioned that there is as many as 20% of the property owners fronting and at the rear line of the property in question who oppose the change in zoning.

Mr. Bradley stated there is a temporary restraining order in the courts against the erection of the shopping center, and Mr. Rankin stated he does not think the City Council should concern itself with this.

At the suggestion of the City Attorney, Mr. Bradley and Mr. Rankin held a conference to determine if the petition filed by Mr. Bradley in protest of the change bears the names of 20% of the property owners facing and at the rear of the property, and Mr. Rankin reported to the City Attorney following the conference, that there was not 20%.

Council decision was deferred for one week.

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COUNCIL MEETING RECESSED AT 4:30 P.M.

Mayor Smith called for a three minutes recess at this time.

MEETING RECONVENED AT 4:33 P.M.

The meeting was reconvened at 4:33 p.m.

MRS. RUSH T. RAY REQUESTS AN INVESTIGATION OF THE THEFT OF HER HOME ON ELIZABETH AVENUE.

Mrs. Rush T. Ray appeared before Council and stated while she was a patient in the hospital recently, thieves broke into her home on Elizabeth Avenue and ransacked it, taking property and destroying many things. She stated she had put the matter in the hands of the Charlotte Police Department and other law enforcement agencies without satisfaction, being advised by the Charlotte Police that they had to have fingerprints. Mrs Ray asked that the thieves be tracked down. Councilman Dellinger moved that the matter be referred to the Chief of Police to be checked into. The motion was seconded by Councilman Brown, and unanimously carried.

NAME OF LISTER DRIVE CHANGED TO BLYTHE BOULEVARD.

Upon motion of Councilman Brown, seconded by Councilman Baxter, and unanimously carried, the name of Lister Drive was changed to Blythe Boulevard, as recommended by the majority of the property owners abutting the street, and approved by the City Manager, Planning Board and City Engineer.

CONSTRUCTION OF SANITARY SEWER MAINS AUTHORIZED.

Councilman Dellinger moved approval of the construction of sanitary sewer mains at the following locations, which was seconded by Councilman Baxter and unanimously carried:

- (a) Construction of 1,450 feet of sewer main in Beatties Ford Road on request of Harley G. Burgess, 2400 Beatties Ford Road, to serve 13 family units, at an estimated cost of \$3,735.00. All costs to be borne by the City.
- (b) Construction of 1,876 feet of sewer main in Darby Acres Subdivision, at request of Charles C. Cook, 1927 Birchcrest Drive, to serve 37 family units, at an estimated cost of \$9,085.00. The City to bear all costs.
- (c) Construction of 650 feet of sewer main in Rollingwood Subdivision, at request of Ervin Construction Company, to serve 9 family units, at an estimated cost of \$2,185.00. All costs to be borne by the City.
- (d) Construction of 1,810 feet of sewer main in Billingsgate Subdivision, at request of Marsh Realty Associates, Inc., to serve residential property, at an estimated cost of \$4,310.00. All costs to be borne by the City, and applicant's deposit of the required full amount to be refunded as per terms of the contract.

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SETTLEMENT OF CLAIMS OF MRS CHARLYNE HANNA AND ROBERT HELMS, JR.

Upon motion of Councilman Foard, seconded by Councilman Baxter, and un-animously carried, settlement of the following claims was authorized as recommended by the City Manager and City Attorney:

- (a) Claim of Mrs. Charlyne Hanna, settled in the amount of \$20.50, for injuries sustained from stepping into an open valve box at 520 Lamar Avenue on November 4, 1958.
- (b) Claim of Robert Helms, Jr. settled in the amount of \$10.95, for damages to clothing from stepping into an open water meter box at 1322 Pecan Avenue, on February 18, 1959.

CONTRACT AUTHORIZED FOR INSTALLATION OF WATER MAINS.

Motion was made by Councilman Albea, seconded by Councilman Brown, and un-animously carried, authorizing contracts for the installation of water mains as follows:

- (a) Contract with Ashcraft Investment Company for the installation of 6,895 feet of water mains and 4 hydrants in Ashbrook Subdivision to serve residential property, at an estimated cost of \$19,500.00. The City to finance all costs and applicant to guarantee a gross annual water revenue equal to 10% of the total cost.
- (b) Supplementary contract to contract dated Oct. 26, 1955, with American Investment Company, for the installation of 980 feet of additional water mains in Lansdowne Subdivision, outside the city limits, at an estimated cost of \$3,640.00. The Company to pay the entire cost and own the mains until such time as the area is incorporated into the city, when they will become the property of the city without further contract.
- (c) Supplementary contract to contract dated Feb. 21, 1951, with Huntley Hosier Company, Inc. for the installation of 315 feet of additional water mains in Old York Road, outside the city limits, at an estimated cost of \$1,400.00. All costs to be borne by the applicant, who will own the mains until the area is incorporated into the city, when they will be automatically dedicated to the city without cost.

CONFIRMATION OF SALE OF 7.63 ACRES OF PROPERTY TO MECKLENBURG COUNTY BOARD OF EDUCATION.

Councilman Dellinger moved the confirmation of the sale of 7.63 acres of Irwin Creek Disposal Plant Property at public auction to Mecklenburg County Board of Education, at the high bid of \$4,196.30. The motion was seconded by Councilman Baxter, and un-animously carried.

CONTRACT AWARDED CONCRETE PRODUCTS COMPANY FOR CONCRETE METER BOXES.

Councilman Wilkinson moved the award of contract to the only bidder, Concrete Products Company for the purchase of 1,000 concrete meter boxes #36H (15") as specified, f.o.b. Charlotte, at a net delivered price of \$4,750.00. The motion was seconded by Councilman Baxter, and un-animously carried.

CONTRACT AWARDED HUTTON-SCOTT COMPANY FOR ONE FOUR-DOOR SEDAN FOR THE POLICE DEPARTMENT.

Upon motion of Councilman Albea, seconded by Councilman Foard, and un-animously carried, contract was awarded Hutton-Scott Company, the low bidder, for One Four-door Belvedere Plymouth Sedan, as specified, at a net delivered price of \$1,910.25.

All net delivered bids on the Sedan are as follows:

Hutton-Scott Company	\$1,910.25
Courtesy Motors, Inc.	\$1,920.97
Young Motor Company	\$1,927.44
City Chevrolet Company	\$1,992.95

CONTRACT AWARDED HUTTON-SCOTT COMPANY FOR ONE PLYMOUTH FOUR-DOOR STATION WAGON FOR FIRE DEPARTMENT.

Motion was made by Councilman Albea, seconded by Councilman Foard, and un-animously carried, awarding contract to Hutton-Scott Company for One Plymouth Four-door Station Wagon for the Fire Department, as specified, at a net delivered price of \$2,749.20. The lower bids of Young Motor Company and Courtesy Motors, Inc. not having met the specifications as to the interior material or color, and the lower bid of City Chevrolet Company not having met the specifications as to interior material, spot-light and windshield glass.

All net delivered bids on the Station Wagon are as follows:

Young Motor Company	\$2,685.38
Courtesy Motors, Inc.	\$2,705.17
City Chevrolet Company	\$2,736.12
Hutton-Scott Company	\$2,749.20

CONTRACT AWARDED SHEPHERD BROTHERS FOR 54 CANCELLED BOND & COUPON BOOKS FOR THE CITY TREASURER.

Upon motion of Councilman Foard, seconded by Councilman Brown, and un-animously carried, contract was awarded the low bidder, Shepherd Brothers for 54 Cancelled Bond and Coupon Books, as specified, f.o.b. Charlotte, at a total price of \$2,311.44, subject to cash discount of \$46.23, re-presenting a net delivered price of \$2,265.21.

All net delivered bids on the Books are as follows:

Shepherd Brothers	\$2,265.21
Carolina Ruling & Binding Company	\$2,275.56
Washburn Printing Company	\$2,389.50
Observer Printing House	\$2,430.00

CONTRACT AWARDED KALE-LAWING COMPANY FOR OFFICE FURNITURE FOR HEALTH CENTER.

Motion was made by Councilman Dellinger, seconded by Councilman Baxter, and un-animously carried, awarding contract to the low bidder, Kale-Lawing Company for a schedule of Office Furniture for the Health Center, con-sisting of 20 items of desks, tables, and chairs, as specified, at a total delivered price of \$1,857.95, subject to cash discount of \$37.16, re-presenting a net delivered price of \$1,820.79.

All net delivered bids on the Furniture are as follows:

Kale-Lawing Company	\$1,820.79
Pound & Moore Company	\$2,292.20
Fowler's Office Supply Company	\$2,295.50
Bill Shaw Company, Inc.	\$ 997.85
(on One Table and 12 Chairs only)	

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

Upon motion of Councilman Wilkinson, seconded by Councilman Albea, and unanimously carried, the construction of driveway entrances was authorized at the following locations:

- (a) Two 30-ft. entrances at 1123 E. 10th Street.
- (b) One 10-ft. entrance on Argonne Street for 1514 Southwood Avenue.
- (c) One 35-ft. entrance at 1416 South Boulevard.
- (d) One 25-ft. entrance at 1100 Elizabeth Avenue.
- (e) One 35-ft. entrance on Independence Boulevard and One 35-ft. on Pierson Drive, both for 4017 N. Independence Boulevard.
- (f) One 30-ft. and One 35-ft. entrance at 2113 Hawkins Street.

TRANSFER OF CEMETERY LOTS.

Motion was made by Councilman Poard, seconded by Councilman Baxter, and unanimously carried, authorizing the Mayor and City Clerk to execute deeds for the transfer of the following cemetery lots:

- (a) Deed with Dr. Allyn B. Choate, for Lot 354, Section 3, Evergreen Cemetery, at \$252.00.
- (b) Deed with Mrs. Roberta D. Smith, for Lot 331, Section 4-A, Evergreen Cemetery, at \$126.00.
- (c) Deed with Mr. Franklin R. Jackson, for Lot 8, Section D, Elmwood Cemetery, transferred from Mrs. Laura R. Jackson, at \$1.00 for transfer deed.

RENEWAL OF SPECIAL OFFICER PERMIT TO HARRY FOGG ON THE PREMISES OF CHARLOTTE TANK CORP. & SUBURBAN RULANE GAS COMPANY.

Upon motion of Councilwoman Evans, seconded by Councilman Wilkinson, and unanimously carried, Special Officer Permit was renewed for one year to Harry Fogg, for use on the premises of Charlotte Tank Corporation and Suburban Rulane Gas Company.

CONDEMNATION PROCEEDINGS AUTHORIZED STARTED FOR RIGHT-OF-WAY ACROSS PROPERTY OF L. FRANKLIN BUMGARDNER AND WIFE, FOR THE MCMULLEN CREEK OUTFALL.

Motion was made by Councilman Brown, seconded by Councilwoman Evans, and unanimously carried, authorizing condemnation proceedings be started for right-of-way across the property of L. Franklin Bumgardner and wife, for the McMullen Creek Outfall.

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**SALARY INCREASES AUTHORIZED FOR CHIEF PLANNER AND TWO ASSISTANTS IN OFFICE OF PLANNING BOARD.**

Councilwoman Evans presented a request from the Planning Director that the salary for a chief planner be increased from \$7,500.00 to \$8,000.00 a year and for two assistant planners from \$6,000.00 to \$6,500.00, as he was unable to secure competent personnel at lesser salaries. Councilman Brown moved that the requested salaries be authorized, which motion was seconded by Councilman Baxter, and unanimously carried.

**TEST SUIT BY CITY AND COUNTY AUTHORIZED TO DETERMINE THE LEGALITY OF TAXING GOVERNMENT PROPERTY USED BY DOUGLAS AIRCRAFT COMPANY.**

Upon motion of Councilman Baxter, seconded by Councilman Brown, and unanimously carried, the City Attorney was authorized to institute a tax suit in behalf of the City of Charlotte and of Mecklenburg County to determine the legality of their right to tax the use of government property by Douglas Aircraft Company.

**DISCUSSION OF THE USE OF CITY OWNED EQUIPMENT BY CITY EMPLOYEES FOR PERSONAL USE.**

Councilwoman Evans stated she is concerned about a statement released in today's press regarding the use of city equipment for personal purposes by city employees, and she asked the City Manager for an explanation. Mr. Yancey stated he knew nothing about the press release. Councilwoman Evans replied that he sat on the throne in his office and did not go out in the streets. That the public is confused at such statements in the press, and every member of the Council should have a clear understanding as to how city equipment is used, so that they may reply to the questions asked them. Mr. Yancey stated city equipment is used in furthering city business; some employees are paid a car allowance and use their own cars, while others are assigned city owned cars. Councilwoman Evans stated in the eyes of the public there is no difference in City owned cars and County owned cars. That one department in particular seems to have cars a little more visible because of the color of the cars. Mr. Yancey replied that he did not know what she was talking about. Councilman Dellinger stated that the matter of the use of city equipment was discussed at the last budget meeting; that he then contended, and still does that the only way to control the use of city equipment is by having a Motor Pool and set up a program that is uniform; he stated further to Councilwoman Evans that had she attended the budget sessions as the other Council members did she would be familiar with the discussion, and would have probably gone along with the other members of the Council in continuing the present practice. He stated further that the press release to which she refers was simply a statement in the newspaper by a political aspirant. Mr. Yancey, City Manager, stated the City will never be completely rid of some personal use of city equipment unless a motor pool is established and then the City will suffer loss motion by employees having to phone to the Pool for a car, which would greatly delay their operations.

**CITATION PRESENTED CITY MANAGER BY MAYOR IN APPRECIATION FOR HIS PUBLIC SERVICE BEYOND THE DEMANDS OF HIS OFFICE OF CITY MANAGER.**

Mayor Smith presented Mr. Henry A. Yancey, who has resigned from his position as City Manager, a Citation reading, "In grateful appreciation for public service beyond the normal demands of citizenship and on

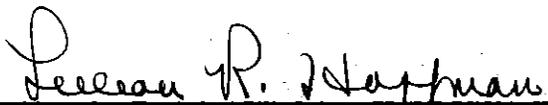
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behalf of the City of Charlotte, I am pleased to issue this official commendation to Henry A. Yancey. His devotion to the public interest offers an inspiring example to all men." Mayor Smith stated he knew that he spoke for all Charlotte Citizens and the members of the City Council in extending good wishes to Mr. Yancey for a long and happy retirement from business life. He told Mr. Yancey that he has been a great help to him personally and to the city government and city at large.

Mr. Yancey expressed his sincere appreciation to Mayor Smith for the Citation.

ADJOURNMENT.

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

  
Lillian R. Hoffman, City Clerk