

August 13, 1958
Minute Book 38 - Page 71

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, August 13, 1958, at 10 o'clock a.m., with Mayor Smith presiding and Council members Albea, Baxter, Brown, Dellinger, Evans, Foard and Wilkinson being present.

ABSENT: None

Hearing on petitions to amend the Zoning Ordinance to change the Building Zone Maps of Charlotte and the Charlotte Perimeter Area were held jointly by the City Council and the Charlotte-Mecklenburg Planning Board, with Commissioners Hanks, McClure, Marsh, Schwartz and Wilkinson being present.

ABSENT: Commissioners Craig, Hook, Martin, Sibley and Toy.

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Wilkinson, seconded by Councilman Brown, and unanimously carried, the Minutes of the last meeting on July 30th were approved as submitted.

HEARING ON ORDINANCE NO. 467 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 INTERSECTION OF PROVIDENCE ROAD AND OLD PROVIDENCE ROAD, FROM RURAL TO B I-A.

The public hearing, continued from June 11th, was held on Ordinance No. 467 Amending the Zoning Ordinance to amend the Building Zone Map of the Perimeter Area by changing property at the intersection of Providence Road and Old Providence Road, from Rural to B I-A, on appeal of W. T. Alexander and wife, from the decision of the Planning Board.

The Planning Director stated the property is a triangle 142' x 230' in size and now occupied by a Service Station. That it is adjoined on all sides and across both streets by open land, with residential developments extending along both Providence and Old Providence Roads.

Mr. Frank Snapp, Attorney, representing Atlantic Refining Company, stated he did not wish to be heard in behalf of the proponent.

Mr. Brock Barkley, Attorney, representing Mr. R. E. Crump, resident of Providence Road, and in the interest of other residents of the immediate vicinity opposing the rezoning, stated the Petition for the change was filed by the property owner, Mr. W. T. Alexander in order that he might give an extended lease to Atlantic Refining Company, who now states they will not press for a change in zoning; that he is present to present objections to the change; that the existing Service Station on the property is a nonconforming use, and it was erected the night before the Perimeter Zoning Ordinance went into effect. He asked that the change not be permitted.

Council action was deferred to the next meeting.

August 13, 1958
Minute Book 38 - Page 72

HEARING ON ORDINANCE NO. 475 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING PROPERTY ON THE SE CORNER OF W. BOULEVARD AND HAWKINS STREET, FROM R-2 TO INDUSTRIAL.

The scheduled hearing was held on Ordinance No. 475 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte by changing property on the SE corner of W. Boulevard and Hawkins Street, from R-2 to Industrial, on appeal of Terminix Service, Inc. from the decision of the Planning Board.

An explanation of the location and surrounding area was given by Mr. McIntyre, who stated the property consists of two lots, one vacant, the other occupied by a house and shed; that the property is adjoined at the rear by industrial development extending for two blocks; across the street the land is used residentially and industrially and on both sides of the property and for two blocks there is a residential development.

Mr. David Craig, Attorney representing the petitioner advised that the two lots have a frontage of 100 feet on West Boulevard running back 200 feet; that it is surrounded by an industrial area, plus a railroad track. That on the back of the lot is a small business building on which Terminix Service, Inc wishes to put a new front and use it for an office building; that so far as they know there are no objections by anyone in the vicinity. He stated further that if the property is not rezoned, it will be a lost to the owner as it is not suitable for residential purposes.

No opposition was expressed.

Council action was deferred to the next meeting.

HEARING ON ORDINANCE NO. 476 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 EAST KINGSTON AVENUE AND CLEVELAND AVENUE, FROM R-2 TO OFFICE-INSTITUTION.

The public hearing was held on Ordinance No. 476 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte by changing property at the SE corner of E. Kingston Avenue and Cleveland Avenue, from R-2 to Office-Institution, on petition of Mrs. D. R. Alston, et al.

Factual information as to the property and area was given by the Planning Director, who stated the property consists of several individual lots; that on the west it is adjoined by business property, with residential development on South Boulevard; across the street it is developed residentially and across Cleveland Avenue it is also residential, and the southern boundary joins residential property fronting on East Boulevard.

No opposition was expressed.

Council action was deferred to the next meeting.

HEARING ON ORDINANCE NO. 477 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING PROPERTY ON THE EAST SIDE OF TURNER AVENUE, SOUTH OF CHAMBERLAIN AVENUE, FROM R-2 TO INDUSTRIAL.

The scheduled hearing was held on Ordinance No. 477 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte by changing property on the east side of Turner Avenue, south of Chamberlain Avenue, from R-2 to Industrial, on request of John O. Ross, et al.

August 13, 1958
Minute Book 38 - Page 73

Mr. McIntyre, Planning Director explained the property in question and surrounding area, stating the property consists of several lots fronting on Turner Avenue, and is vacant land except for two houses; that it is adjoined by industrial developments on the south and west and across Chamberlain Avenue, property is vacant and residential.

There was no expressed objections to the proposed zoning change.

Council action was deferred to the next meeting.

HEARING ON ORDINANCE NO. 478 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING PROPERTY LOCATED ON THURMOND PLACE, BETWEEN BELVEDERE AVENUE AND MIMOSA AVENUE, FROM R-1 TO R-2.

The scheduled hearing was held on Ordinance No. 478 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte by changing property located on Thurmond Place, between Belvedere Avenue and Mimosa Avenue, from R-1 to R-2, on request of Charles L. Glenn, Sr.

Factual information as to the property and area was given by the Planning Director, who stated the property consists of two lots fronting on Thurmond Place, each 50' x 100', and is adjoined by R-1 zones on all sides except along Mimosa Avenue the property is zoned R-2 with duplex developments.

No objections to the proposed zoning was expressed.

Council action was deferred to the next meeting.

HEARING ON ORDINANCE NO. 479 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 MIDDLETON DRIVE, EAST OF PROVIDENCE ROAD, FROM R-2 TO B-1.

The public hearing was held on Ordinance No. 479 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte by changing property on the south side of Middleton Drive, east of Providence Road, from R-2 to B-1, on appeal of Edward C. Dwelle, Jr., from the decision of the Planning Board.

The Planning Director stated that the property fronts on Middleton Drive 100' x 91' with a depth of 130'; that across the street the zone is R-1 with duplex usage; that adjoining on the east is residential property extending the full length of the street; that directly behind the property it is zoned Residential and diagonally across zoned Business, and is adjoined by B-1 developments generally along Providence Road.

Mr. Frank Snapp, Attorney, representing the Union National Bank, Trustee and Edward C. Dwelle, Jr., Petitioner, stated that the property will be developed if rezoned using the Providence Road lot for headquarters of an oil company and service station, with a parking lot to serve their employees at the rear of Middleton Drive. He pointed out that under the present R-2 zoning the property can be used for a Doctor's Clinic, Sanitorium, etc, which would have much traffic, while developed for the Company's office, the traffic into and out of the parking lot will be very limited, and it is felt this is much more desirable for the neighborhood. He stated further that the property has been owned by the present owner since 1936 and has always been a part of the property fronting Providence Road.

August 13, 1958
Minute Book 38 - Page 74

Mr. Maurice Weinstein, Attorney, representing all of the residents of Middleton Drive, submitted a petition which he stated was signed by all of the property owners on the street, opposing the change in zoning.

Councilman Dellinger asked if the petition bears the signature of 20% of the residents adjoining the property at the front and rear of the property, and Mr. Weinstein stated he was sure that it did, as it included all of the property owners. Mr. Weinstein stated further that Middleton Drive is a narrow street, and in fact, is a one-way street during school hours. That the additional traffic load occasioned by the proposed zoning change would substantially increase hazards to both foot and bicycle traffic of young children to and from school. He pointed out that Middleton Drive is fully developed residentially and that business in no manner should be allowed to intrude as homes were erected or purchased in contemplation of and reliance upon the present residential zoning. He stressed the fact that for eleven blocks on Providence Road, from Alberto Street to Huntley Place, a strip of land was zoned for business with ample depth to establish business on Providence Road, which would certainly lead one to think the Zoning Board's thought was to not allow business to encroach on the intersecting residential streets and in all the years since Zoning was established, there has been no encroachment of business on these side streets. He pointed out that it will not only be bad for Middleton Drive, but will be an opening wedge for encroachment on the other residential side streets for the entire eleven blocks.

Mrs. Martha Muilenburger, representing the Eastover School P. T. A. stated they are much concerned about the additional traffic hazard on Middleton Drive if the zoning is changed. She asked the Council to consider that the school is only one block off Providence Road and that the street is widely used to and from the school.

Mr. Snapp stated he would like a strict accounting of the 20% property owner opposition indicated by Mr. Weinstein.

Council action was deferred to the next meeting.

HEARING ON ORDINANCE NO. 480 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF THE PERIMETER AREA BY CHANGING PROPERTY ON U.S. #74, APPROXIMATELY 9/10 MILE FROM THE NEW CITY LIMITS, FROM RURAL TO B-I.

The public hearing was held on Ordinance No. 480 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte by changing property on U.S. #74, approximately 9/10 mile from the new city limits, from Rural to B-I, on appeal of Edward C. Griffin and wife from the decision of the Planning Board.

Mr. McIntyre, Planning Director, stated the property is located on North Independence Boulevard across from Wallace Road, with a 400' depth and fronting 380' on the Boulevard. That it is vacant property adjoined on one side by a Greenhouse, on the north and across the street by residential property.

Mr. Allen Bailey, Attorney, representing the petitioner stated the property has a frontage of 300' on North Independence Boulevard with a depth of 400'. That, frankly, if they could get some relief on Independence Boulevard they would be satisfied if it was not rezoned the entire 400'. That the owner wishes to use the property for an Office Building and parking lot for his construction business. That the property is not

August 13, 1958
Minute Book 38 - Page 75

suitable for residential use being on a highway. That there is many properties zoned for business further out on the Boulevard and towards the city it is zoned for business use.

No opposition to the change was expressed.

Council action was deferred to the next meeting.

HEARING ON ORDINANCE NO. 481 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 SOUTH OF MONTFORD DRIVE, BETWEEN PARK ROAD AND SUGAW CREEK, FROM R-2 TO B-1.

The scheduled hearing was held on Ordinance No. 481 Amending the Zoning Ordinance to amend the Building Zone Map of the Perimeter Area by changing property on the south of Montford Drive, between Park Road and Sugaw Creek, from R-2 to B-1, on request of Joseph W. Eshelman & Co., and W. Frank Graham.

The Planning Director presented a map of the area and stated the property is vacant and is a long triangular strip at the rear lot line of properties on Montford Drive, 1,000' long with a maximum width of 85'. That the land is vacant along Montford Drive and to the south; is adjoined on the north by a B-1 zone and to the south is zoned B-2.

No opposition to the proposed change was expressed.

Council decision was deferred to the next meeting.

HEARING ON ORDINANCE NO. 482 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 NE CORNER OF FOURTH STREET AND SHAMROCK ROAD, FROM R-2 TO B-1.

The public hearing was held on Ordinance No. 482 Amending the Zoning Ordinance to amend the Building Zone Map of the Perimeter Area by changing property on the NE corner of Fourth Street and Shamrock Road, from R-2 to B-1, on petition of W. W. Lawing, et al.

Mr. McIntyre, Planning Director, stated the property consists of several individual lots and is 250' x 300' extending along Shamrock Road and is used residentially. He pointed out that 150-feet of the property falls within the mandatory act for uniform corner zoning.

Mr. C. A. Osborne, speaking for the Petitioner, whom he advised could not be present, stated there is a boiler maker industrial plant, adjoining on Shamrock Road which extends back for some distance.

Mr. R. V. Owens, 3017 Shamrock Drive, filed a petition in opposition to the proposed change signed by all property owners in the 3000 and 3100 blocks of Shamrock Drive. Mr. Owens stated that if the entire area requested rezoned is changed, it will bring a B-1 zone within 4 feet of his house.

Council decision was deferred to the next meeting.

HEARING ON ORDINANCE NO. 483 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF THE PERIMETER AREA BY CHANGING PART OF LOT 12 IN BLOCK B OF AMITY GARDENS #2, ON THE EAST SIDE OF PIERSON DRIVE, NORTH OF INDEPENDENCE BOULEVARD, FROM B I-A TO B-I.

The scheduled hearing was held on Ordinance No. 483 Amending the Zoning Ordinance to amend the Building Zone Map of the Perimeter Area by changing part of Lot 12 in Block B of Amity Gardens #2, on the east side of Pierson Drive, north of Independence Boulevard, from B I-A to B-I, on request of Xenophon F. Nixon, et al.

A map of the area was explained by the Planning Director, who stated the property is 154' x 300' deep; that behind the property is Albemarle Road and Independence Boulevard; that to the northeast property is residential on Pierson and Winfield Drives. That most of the property on Independence Boulevard is zoned B I-A.

Judge J. C. Sedberry, Attorney, representing the petitioner stated they are only asking for a change from B I-A to B-1 in order to erect a high-class restaurant at a cost of \$150,000 to \$200,000 with off-street parking for its patrons. That their property fronts 140' on Independence Boulevard and extends back to Pierson Drive the full depth. That the reason for the requested change is in order to serve their customers inside the restaurant, beer and wine, with no curb or off-premises service. He stated they understand the residents on Winfield Drive fear that the headlights from cars coming into the parking lot will be offensive, therefore the owners will erect a brick wall around the parking lot sufficiently high that no reflection from car lights can be seen beyond the wall. He pointed out that the restaurant can be erected under the present B I-A zoning, but they wish to include the sale of beer and wine, which does not come under a B I-A zoning.

Councilwoman Evans asked if she was correct in understanding that all of their property included in their petition lies within the B I-A zone and that he is asking the Council to grant a non-conforming use in a B-1 zone? Judge Sedberry replied that they are not asking for a non-conforming use but an addition to the present use under a B I-A zone.

Mr. Charles Knox, Attorney representing property owners within the vicinity opposing the change in zoning, filed a petition which he stated was signed by not just 20% of the owners on Winfield Drive but 100%, and also by 20% of the owners of property immediately adjacent to the rear on Pierson Drive, and other streets within the vicinity. He stated these people moved to this area because of the beauty and quietude and they object strenuously to the encroachment of business selling beer and wine, because they know that it cannot and will not be confined inside the restaurant. He urged that the change not be approved. A large delegation of residents of the vicinity stood in protest to the rezoning.

Judge Sedberry called attention to the statement by Mr. Knox that the petition was signed by all of the property owners on adjacent property, but, he stated, the adjacent property to the property in question is vacant land; that there is no one facing the property on Independence Boulevard and there are no residences to the east, and there are only four houses adjacent to the property on Winfield Drive.

Council decision was deferred to the next meeting.

August 13, 1958
Minute Book 38 - Page 77

HEARING ON ORDINANCE NO. 484 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 SOUTHWESTERLY SIDE OF INDEPENDENCE BOULEVARD, EAST OF PIERSON DRIVE, FROM B I-A TO B-I.

The public hearing was held on Ordinance No. 484 Amending the Zoning Ordinance to amend the Building Zone Map of the Perimeter Area by changing property on the SW side of Independence Boulevard, east of Pierson Drive, from B I-A to B-I, on request of J. A. Reid Wholesale Co., Inc.

Mr. McIntyre, Planning Director, advised the property fronts on Independence Boulevard 1,300 feet and is vacant except a small portion that is occupied by a wholesale business; that it is adjoined on the rear lot line by residences on Unaka Avenue and west by Pierson Drive.

No opposition to the proposed change was expressed.

Council decision was deferred to the next meeting.

HEARING ON ORDINANCE NO. 485 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE AMENDING 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-I.

The scheduled hearing was held on Ordinance No. 485 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte by changing property bounded by Tuckaseegee Road, Bigham Road, Rogers Street and Enderly Park Baptist Church, from R-2 to B-1, on appeal of T. K. Davis, et al from the decision of the Planning Board.

Factual information as to the area was presented by the Planning Director, who stated the property consists of several lots on Tuckaseegee Road, and are 360' x 300' overall, and extend from Tuckaseegee Road back to Rogers Street. That they are adjoined by Residential and Industrial zones, with the area across Rogers Street being Residential. He stated that 150' falls within the mandatory act for uniform corner zoning.

Mr. William Poe, Attorney for the Petitioner, stated the 150' depth is not sufficient to take you into the lot on Rogers Street. That the owners also own five of the six lots on Rogers Street, and they would like to develop the property as one unit. If limited to only the 150' the building would have been too small without off-street parking. He stated there is no known opposition.

Mayor Smith asked if a B I-A zone would be agreeable? Mr. Poe replied that it would be as far as he knows but he would have to consult with his client before saying definitely.

No opposition was expressed to the change.

Council decision was deferred to the next meeting.

HEARING ON ORDINANCE NO. 486 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF THE PERIMETER AREA BY CHANGING PROPERTY LOCATED NORTH OF FREELAND LANE, AND EAST OF ELLENWOOD PLACE, FROM R-2 TO INDUSTRIAL.

The public hearing was held on Ordinance No. 486 Amending the Zoning Ordinance to amend the Building Zone Map of the Perimeter Area by changing property north of Freeland Lane, and east of Ellenwood Place, from

August 13, 1958
Minute Book 38 - Page 78

R-2 to Industrial, on appeal of Jacobs Manufacturing Company from the decision of the Planning Board.

Mr. McIntyre, Planning Director, stated the property lies between Pineville and York Roads and is partially developed. That 350' fronts on Freeland Lane and extends back 100'; that it is adjoined at the rear by residential property; across the street is vacant property, and to the east it is vacant and developed industrially.

Mr. Jake Wade, Jr, attorney representing the petitioner, stated they requested the Planning Commission to provide a buffer zone between the proposed Industrial zone and the houses at the rear of the property; that they request the Council to rezone the property so that one-half may be used as a buffer zone by running a line up the middle of the property from north to south. He filed the amended map with the Planning Commission director.

Mr. Harry Bryan, property owner in the area stated he spoke for himself and thirty-five other home owners in the vicinity. He filed a petition signed by 56 persons in the immediate neighborhood opposing the rezoning. He stated that up to two years ago all this land was vacant and their homes have been built since then; that he knew that Jacobs Mfg. Company owned the property on Pineville Road but there was a pine thicket at the rear of the property, which proved a nice barrier. That the buffer zone, as proposed, would only protect four of the homes and the many other would have no barrier between them and the industrial development. He stated that the Manufacturing Company has no immediate plans for developments and they can see no reason for the request until the Company advises the Planning Commission just what they propose to build on the land.

Council decision was deferred to the next meeting.

HEARING ON ORDINANCE NO. 488 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 INTERSECTION OF PROVIDENCE ROAD, REA ROAD AND OLD PROVIDENCE ROAD, FROM RURAL TO B-1.

The public hearing was held on Ordinance No. 488 Amending the Zoning Ordinance to amend the Building Zone Map of the Perimeter Area by changing property at the intersection of Providence Road, Rea Road and Old Providence Road, from Rural to B-1, on appeal of Dr. Aubrey L. Palmer and wife from the decision of the Planning Board.

Factual information as to the area was given by the Planning Director, who stated the property is occupied by a residence; that it fronts 200' on Rea Road, 400' on Old Providence Road and 350' on Providence Road, that it is adjoined on all sides by roads and across each road it is developed residentially.

Mr. Tom Lane, Attorney for the petitioner stated that Providence Road has become Charlotte's Gold Coast or the Magic Way insofar as zoning is concerned, therefore he would like to refer to it as merely NC Highway #16. He stated that the rezoning of this property complies with the provision and intent of zoning in that it will promote the orderly growth of the perimeter area, that it is short-sighted to allow an area to grow up as this has without provisions for a business use; that this area is five miles from the city limits, without the proper shopping facility to serve its residents, and his client wishes to fill that need. That original zoning was never intended to remain so, that it is basic only.

That his client wishes to provide a shopping center composed of a Grocery Store, Service Station and other types of business to serve the needs, and this location is most suitable as it is at the intersection of three roadways, and will serve the residents towards Charlotte as well as towards Waxhaw.

Mr. W. L. Walton, who resides on Providence Road opposite the property in question stated all of the residents of the area oppose the change for the main reason that it is an established Residential Area. That, within a mile radius of the property there are less than 50 families, and such a Shopping Center could not be supported. That there is no need for the Center and it is not wanted by the property owners.

Mr. R. P. Oliver, who resides opposite the property in question at the intersection of Providence and Rea Roads, stated he is the nearest resident to the property. That he purchased the property two and one-half years ago as a country place, quiet and safe for rearing his children, and a shopping center would destroy every reason for which he purchased the property. He, too, stated there is no need for the Center, nor is it desired by the residents.

Colonel Simpson and Mrs. Simpson, nearby residents of Providence Road, urged that the property not be rezoned for business; that Charlotte has become industrialized in the other three directions and they urged that this direction be left residential.

Mr. Coleman Roberts, resident of Providence Road, stated the residents who moved out in the area certainly did not anticipate the construction of a business area in their midst; that the Center is not needed nor do the residents want it at all.

Council decision was deferred to the next meeting.

HEARING ON ORDINANCE NO. 461 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING PROPERTY LOCATED AT THE SE CORNER OF DUCKWORTH AND BRUNS AVENUES, FROM R-2 TO LIGHT INDUSTRIAL.

The public hearing was held on Ordinance No. 461 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte by changing property located at the SE corner of Duckworth and Bruns Avenue, from R-2 to Light Industrial, on appeal of Westside Ice & Fuel Company from the denial of the City Council on June 18th.

The Planning Director stated the property is adjoined on two sides by Light Industrial zones and on the other two by Residence-2 zones.

Mr. Dick Wardlaw, attorney for the petitioner stated his client owns all of the property back to Duckworth Avenue and have owned it since 1940 before zoning came into being. He called attention that this is a re-hearing, that at the first hearing there was opposition to the change, but after the matter was explained to the opponents he understands there is no longer any opposition. That their plans are for the Company to erect an office building on West Trade Street, with an entrance on West Trade Street and one off of Bruns Avenue, with none on Duckworth Avenue.

Mr. Roy McKnight, Jr., attorney, stated that he represents 18 property owners of the community who no longer oppose the change and they feel that the construction of the parking lot for the office building will clean up a bad condition on the street and will benefit the neighborhood.

Council decision was deferred to the next meeting.

August 13, 1958
Minute Book 38 - Page 80

RECESS CALLED BY MAYOR AT 12:15 O'CLOCK P.M.

The Mayor recessed the meeting for a ten minute period.

MEETING RECONVENED AT 12:25 O'CLOCK P.M.

The meeting was reconvened at 12:25 o'clock p.m.

COMMITTEE APPOINTED TO WORK WITH MECKLENBURG COUNTY COMMISSIONERS
COMMITTEE RELATIVE TO FEES PAID TO MEMBERS OF ELECTION BOARD.

Mayor Smith stated he has been requested by the Chairman of the Mecklenburg County Commissioners to appoint Council representatives to work with the Committee of Commissioners relative to establishing a schedule of fees to be paid the members of the Election Board, and he appointed Councilmen Dellinger and Wilkinson as the Council Committee members.

ACCEPTANCE OF RESIGNATION OF FRANK N. LITTLEJOHN AS CHIEF OF POLICE.

Mayor Smith presented a letter addressed to the Mayor and Council from Mr. F. N. Littlejohn, Chief of Police, giving notice of his intention to retire as Chief of the Police Department on September 1, 1958.

Councilman Brown moved that the resignation be accepted, that the proper resolution of thanks for his long tenure of faithful service to the City be drawn and that proper recognition be given him, and that since he is entitled to three weeks vacation, which would run past the September 1st retirement date, that he be paid until September 15th and that he be relieved of his duties as of now. The motion was seconded by Councilman Wilkinson.

Councilwoman Evans stated that the letter from Chief Littlejohn is only a declaration of his intention. Councilman Albea stated the Chief obviously wanted to stay until September 1st and he would have no part in firing him. Councilman Brown stated that no one was firing him, that he was taking his letter as it is and the Chief may take his vacation now.

Councilman Baxter offered a substitute motion that due to Chief's long and faithful service and due to the fact that he has expressed his intention of resigning on September 1st, that his resignation be accepted as of September 1st and that he be paid then for the three weeks vacation due him. The motion was seconded by Councilman Albea.

The vote was taken on the substitute motion, and lost, with the votes cast as follows:

YEAS: Council members Albea, Baxter and Evans.

NAYS: Council members Brown, Dellinger, Foard and Wilkinson.

The vote was then taken on the main motion by Councilman Brown, and carried, with the votes cast as follows:

YEAS: Council members Brown, Dellinger, Foard and Wilkinson.

NAYS: Council members Albea, Baxter and Evans.

August 13, 1958
Minute Book 38 - Page 81

APPOINTMENT OF POLICE CAPTAIN ERNEST C. SELVEY AS ACTING CHIEF OF POLICE.

Councilman Wilkinson moved the appointment of Police Captain Ernest C. Selvey as Acting Chief of Police until such time as a permanent Chief of Police is appointed. The motion was seconded by Councilman Brown.

Councilman Albea offered a substitute motion for the appointment of Captain John Hord as Acting Chief of Police, who has been Assistant Chief of Police for the last six years. The motion was seconded by Councilwoman Evans.

The vote was taken on the substitute motion, and lost, with the votes cast as follows:

YEAS: Council members Albea, Baxter and Evans.

NAYS: Council members Brown, Dellinger, Foard and Wilkinson.

The vote was then taken on the main motion by Councilman Wilkinson, and carried, with the votes cast as follows:

YEAS: Council members Brown, Dellinger, Foard and Wilkinson.

NAYS: Council members Albea, Baxter and Evans.

APPOINTMENT OF L. CARL COOK, DEPUTY CLERK OF MECKLENBURG COUNTY SUPERIOR COURT, AS CLERK OF CITY RECORDER'S COURT.

Councilman Dellinger moved the appointment of L. Carl Cook, now Deputy Clerk of Mecklenburg County Superior Court, as Clerk in the City Recorder's Court, at a salary of \$450.00 per month. He stated that Mr. Cook is well qualified for the position and is a civilian. The motion was seconded by Councilman Wilkinson.

Councilwoman Evans stated that she appreciates the haste in which the Council is acting but objects strenuously to the manner in which it is being done. She stated further that the Council owes it to the different applicants to discuss the matter with the City Manager.

Councilman Dellinger stated the Council had no time this morning to discuss applicants, and he asked Mr. Yancey Monday to investigate Mr. Cook. He stated further that he thinks it is a wise move and that it is high time the Recorder's Court record office is put on a working basis.

Mr. Yancey, City Manager, stated that he had been requested by Councilman Dellinger to screen Mr. Cook for the position, and he had talked with the Chairman of the County Commissioners and others and that he believes him to be well qualified for the position.

Councilman Foard stated he has known Mr. Cook for twenty years and that he is a fine man.

The vote was then taken on the motion by Councilman Dellinger, and carried, with the votes cast as follows:

YEAS: Council members Baxter, Brown, Dellinger, Foard and Wilkinson.

NAYS: Council members Albea and Evans.

Councilman Albea then stated that he does not know Mr. Cook and is of the opinion it would be better to wait until the matter of the Recorder's Court before the Grand Jury is settled before taking action on the Clerk; however, he does not wish Mr. Cook to feel that he is against him in any sense, and, therefore, he would like to cast his vote for him.

August 13, 1958
Minute Book 38 - Page 82

RECORD SYSTEM AUTHORIZED SET UP IN CITY RECORDER'S COURT WHEN NEW CLERK GOES INTO OFFICE.

Councilman Dellinger stated that the Grand Jury has completed their investigation and there have been reports in some of the newspapers that the Council had stated they would wait for the Grand Jury Report, but he wanted to say that the Council does not get a report from the Grand Jury.

He stated further that the Council is now getting things in line and he moved that Mr. Yancey get someone started to setting up some kind of a record system when the new man (Mr Cook) goes into office and not wait for a study by the Institute of Government, as it will apparently continue to be some time before they get started. The motion was seconded by Councilman Wilkinson, and unanimously carried.

EMPLOYMENT OF PERMANENT COURT STENOGRAPHER FOR CITY RECORDER'S COURT AUTHORIZED AND FUNDS FOR SALARY ALLOCATED FROM EMERGENCY FUND.

Councilman Baxter moved that Mr. Yancey employ a permanent Court Stenographer to take the Minutes of the daily Recorder's Court sessions as recommended by the Courts and Judiciary Committee of the Mecklenburg County Bar Association, and that funds for payment of the Stenographer's salary be allocated from the Emergency Fund. The motion was seconded by Councilman Brown, and unanimously carried.

Councilman Baxter stated further that there has been no criticism of the Recorder's Court itself, but the criticism is that the records have been poorly kept.

MECKLENBURG COUNTY BAR ASSOCIATION, COURTS & JUDICIARY COMMITTEE OFFERS ASSISTANCE IN COUNSELING WITH CITY COUNCIL AS TO STEPS THAT MIGHT BE HELPFUL IN THE FUNCTIONAL ASPECTS OF RECORD KEEPING IN THE CITY RECORDER'S COURT.

Mr. Charles Knox, Chairman of the Courts & Judiciary Committee of the Mecklenburg Bar Association, consisting of eight attorneys, stated the Committee would be perfectly willing and glad to assist in any way in the functional aspects of record keeping in the City Recorder's Court.

Mayor Smith thanked Mr. Knox on behalf of the Committee.

MAYOR ASKS THAT COMMITTEE COMPOSED OF AN ENGINEER FROM CITY, COUNTY AND STATE AND A MAN FROM THE PLANNING COMMISSION INVESTIGATE FLOODED AREAS IN THE CITY AND COUNTY AND REPORT AS TO WHO IS RESPONSIBLE FOR THE CONDITION.

Mayor Smith stated that for some time the Council has been plagued with flooding conditions in the City and County, and he would like to make an attempt to get a Committee to function for the purpose of placing the blame in the proper place, with an Engineer from the City, the County and the State and a man from the Planning Commission to serve as a Committee to investigate these places and bring back information that would give the Council something definite to work on.

Councilman Dellinger commended the Mayor on his foresightedness in such a move.

August 13, 1958
Minute Book 38 - Page 83

MAYOR LEFT MEETING AND MAYOR PRO TEM PRESIDES FOR REMAINDER OF MEETING.

Mayor Smith left the meeting at this time and Mayor Pro Tem Brown presided for the remainder of the meeting.

COUNCILMAN DELLINGER LEFT MEETING FOR REMAINDER OF SESSION.

Councilman Dellinger left the meeting at this time and was absent for the remainder of the session.

RESIDENTS OF MANOR ROAD-WILLOW DRIVE REQUEST RELIEF FROM FLOODING OF PREMISES FROM STORM DRAINS AND SUGAW CREEK.

Mr. W. M. Shaw, 3024 Manor Road, Mr. Lewis Kale, 2944 Willow Drive, Mr. Robert Dennis, 2808 Willow Drive, Mr. D. A. Hovis, 321 Fieldbrook Place and Mr. James W. Connor, 313 Rocklyn Place appeared before Council relative to the drainage problems on Manor Road and Willow Drive. A petition^{was presented} signed by all residents of Manor Road requesting relief from the flooding of their premises from water draining from Chelsea Drive. It was stated that water drains into the back yards of residents of the 3000 block of Manor Road making four feet of property useless and a definite health hazard, as water stands in a ditch which was dug on personal property to drain Chelsea Avenue, and becomes stagnant. They urged that the water be diverted, perhaps down Manor Road through underground pipes sufficient in size to care for the excessive flow from the high area above; otherwise, they intend to close the ditch, which is on their personal property.

Pictures of the flooded area were submitted by Mr. Kale, showing the water standing waist deep, who stated that water drains down from not only Chelsea Drive but also Brandywine Avenue Extension and Tranquil Avenue onto their property. They stated that the dredging and widening of Sugaw Creek and/or the lowering of the creek bank on the other side of the creek as it was before the development of the Park Road Shopping Center, will aid in preventing the flooding of their property by overflow of the creek.

Mr. H. E. Moore, resident of 2826 Chelsea Drive, stated that his property is the dumping ground for all water that drains down from Hillside, Wales Dellwood, Tranquil and Brandywine. He stated there is not a covered culvert on Brandywine Avenue.

Councilman Baxter stated that the Council has been listening to these complaints for the last year now, and he thinks they should stop talking and do something about the ditches on private property, which can legally be done as it has created a health menace. He recommended that the section complained of today be selected as a beginning and asked the City Manager to find ways and means of doing something. He stated further that the Legislature will have to pass on the matter of drainage. Councilman Foard stated he is familiar with the section in question and looked it over last week and he is of the opinion that Councilman Baxter is on the right track. He stated that Queens Road East also has a bad drainage condition.

MECKLENBURG DRAINAGE COMMISSION REQUESTED TO MAKE EMERGENCY REPAIRS ALONG SUGAW CREEK AS RECOMMENDED BY ENGINEERING DEPARTMENT.

Councilman Wilkinson stated he has a report from the Engineering Department regarding emergency repairs in the area, which he presented and which stated that an inspection of the low-lying areas adjacent to Sugaw

August 13, 1958
Minute Book 38 - Page 84

Creek had been made in the vicinity of Westfield Road and Willow Drive, which shows the need for temporary local repairs to alleviate the damage caused by flooding. The report stated further that there are four locations along the Creek where the berm along the east bank of the Creek has been removed or cut and the water breaks through - these locations being: 2832 Irby Drive, 2914 and 3114 Westfield Road and 2832 Willow Drive. The Engineering Department recommended that the City bring this matter to the attention of the Drainage Commission and urge them to take immediate steps to alleviate this local condition by closing the cuts in the berm and raising the level of same to at least 12 inches above the level of adjacent parallel streets. The Engineering Department stated further that this is not intended as a cure-all or permanent solution, but they contend that this work would materially benefit the local area.

Councilman Baxter stated this is just another delay, that the City has been up against the Drainage Commission for years.

Councilman Albea moved the recommendations from the Engineering Department be sent to the Mecklenburg Drainage Commission with the urgent request that they use available funds to do this work immediately. The motion was seconded by Councilman Wilkinson, and unanimously carried.

FUNDS APPROPRIATED FROM EMERGENCY FUND FOR RELIEF IN FLOODED AREAS AND CITY STREETS BY CITY FORCES OR PRIVATE ENTERPRISE, WHERE CITY ATTORNEY STATES LEGAL TO ENTER.

Councilman Baxter moved that the Council appropriate \$10,000.00 from the Emergency Fund for emergency repairs and that the City Manager give immediate relief in flooded areas and city streets where the City Attorney says it is legal to enter, by our forces or private enterprise. The motion was seconded by Councilwoman Evans, and unanimously carried.

COMPLAINTS REGISTERED BY RESIDENTS OF MIDDLETON DRIVE AS TO DRAIN WATER FROM SERVICE STATION.

Mrs H. A. Rayburn and Miss Dorothy Baldwin, residents of Middleton Drive, complained regarding the water that drains onto their properties from a Service Station, which is dirty and oily, and is not surface water. They stated the condition would remain as it is, so long as the drain pipes on Perrin Place are not sufficient to take care of the water.

RESOLUTION AUTHORIZING LEASE OF PARKING LOT FROM PHILLIPS INVESTMENT COMPANY.

A resolution entitled: "Resolution Authorizing Lease of Parking Lot From Phillips Investment Company" was introduced and read, and upon motion of Councilman Baxter, seconded by Councilman Wilkinson was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 241.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON SEPTEMBER 17TH ON ORDINANCE NO. 490 AMENDING THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING PROPERTY AT THE SE INTERSECTION OF INDEPENDENCE BOULEVARD AND ROCKWAY DRIVE, FROM R-I TO B-I, ADOPTED.

Ordinance No. 490 Amending Chapter 21, Article I, Section 2 of the City Code by amending the Building Zone Map of Charlotte by changing property

August 13, 1958
Minute Book 38 - Page 85

at the SE intersection of Independence Boulevard and Rockway Drive, from R-1 to B-1, on appeal of the petitioner, Ray Barrier and wife from the decision of the Planning Board, was introduced and read. A Resolution Providing for a Public Hearing on said Ordinance on September 17th was then presented and read, and upon motion of Councilman Baxter, seconded by Councilwoman Evans, was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 242.

RESOLUTION PROVIDING FOR A PUBLIC HEARING ON SEPTEMBER 17TH ON ORDINANCE NO. 491 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 SEABOARD RAILWAY, FROM R-2 TO B-1, ADOPTED.

Ordinance No. 491 Amending Chapter 21, Article I, Section 2 of the City Code by 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 Seaboard Railway, from R-2 to B-1, on petition of Emmett M. Wilkinson and Ernest L. DeLaney, et al, was introduced and read. A Resolution Providing for a Public Hearing on said Ordinance on September 17th was then presented and read, and upon motion of Councilman Baxter, seconded by Councilwoman Evans, was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 243.

RESOLUTION PROVIDING FOR A PUBLIC HEARING ON SEPTEMBER 17TH ON ORDINANCE NO. 492 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, ADOPTED.

Ordinance No. 492 Amending Chapter 21, Article I, Section 2 of the City Code by 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, on petition of Mrs. Florence M. Sykes, was introduced and read. A Resolution Providing for a Public Hearing on said Ordinance on September 17th was then presented and read. Councilman Baxter moved the adoption of the resolution, which was seconded by Councilwoman Evans and unanimously carried. The resolution is recorded in full in Resolutions Book 3, at page 244.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON SEPTEMBER 17TH ON ORDINANCE NO. 493 AMENDING THE BUILDING ZONE MAP OF THE PERIMETER AREA BY CHANGING PROPERTY ON THE SOUTH SIDE OF FIFTH STREET IN REID PARK, OUTSIDE THE CITY, FROM R-1 TO R-2, ADOPTED.

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, on petition of Frank N. Harton and wife, was introduced and read. A Resolution Providing for a Public Hearing on said Ordinance on September 17th was then presented and read. Councilman Baxter moved the adoption of the resolution, which was seconded by Councilwoman Evans, and unanimously carried. The resolution is recorded in full in Resolutions Book 3, at Page 245.

August 13, 1958
Minute Book 38 - Page 86

RESOLUTION PROVIDING FOR PUBLIC HEARING ON SEPTEMBER 17TH ON ORDINANCE NO. 494 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, ADOPTED.

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, was introduced and read. A Resolution Providing for a Public Hearing on Said Ordinance on September 17th was then presented and read, and upon motion of Councilman Baxter, seconded by Councilwoman Evans, was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 246.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON SEPTEMBER 17TH ON ORDINANCE NO. 495 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, ADOPTED.

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, on petition of Realty Investment & Building Company, was introduced and read. A Resolution Providing for a Public Hearing on said Ordinance on September 17th was then presented and read, and upon motion of Councilman Baxter, seconded by Councilwoman Evans, was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 247.

CONTRACT WITH DUKE POWER COMPANY FOR INSTALLATION OF MERCURY VAPOR LIGHTS ON SOUTH BOULEVARD, BETWEEN TREMONT AVENUE AND CITY LIMITS.

Upon motion of Councilman Baxter, seconded by Councilman Albea, and unanimously carried, contract was authorized with Duke Power Company for the installation of 47 Mercury Vapor Lights on South Boulevard, between Tremont Avenue and the city limits on the west.

SICK LEAVE GRANTED EMPLOYEES OF ENGINEERING DEPARTMENT.

Upon motion of Councilwoman Evans, seconded by Councilman Foard, and unanimously carried, sick leave was granted the following employees of the Engineering Department:

- (a) Extension to Fred O. Reid from July 21, 1958 to September 30, 1958.
- (b) Extension to Henry Porter from Aug. 1, 1958 to September 30, 1958.
- (c) Extension to Tom Martin, Allen Blair, Jack S. Brown and Govan W. Carter, from July 30, 1958 to September 30, 1958.

TRANSFER OF FUND FROM EMERGENCY FUND TO ENGINEERING DEPARTMENT FOR PAYMENT OF SALARIES OF TEMPORARY EMPLOYEES.

Councilman Wilkinson moved that \$1,587.60 be transferred from the Emergency Fund (Code 110) to the Engineering Department Budget, Salary Accounts as follows, for payment of salaries of temporary personnel due to sickness of regular employees: \$494.40 to Code 622 A-8, \$911.00 to Code 513 A-8 and \$182.20 to Code 621 A-8. The motion was seconded by Councilman Baxter, and unanimously carried.

BARCLAY DOWNS, INC. GRANTED PERMISSION TO CONNECT PRIVATE SEWER LINES TO CITY'S SANITARY SEWERAGE SYSTEM.

Upon motion of Councilman Albea, seconded by Councilman Baxter, and un-animously carried, Barclay Downs, Inc. was granted permission to connect 12,621 feet of private sanitary sewer lines to the City's Sanitary Sewerage System at Briar Creek near Celanese Road, upon condition that they comply with all laws, rules and regulations now in effect, or which may hereafter become effective relative to property similarly situated.

CHANGE OF NAME OF "MCCOMBS LANE" TO "INSURANCE LANE" ON REQUEST OF PROPERTY OWNERS ON STREET.

Motion was made by Councilman Albea, seconded by Councilwoman Evans, and unanimously carried, authorizing the change in the name of "McCombs Lane" to "Insurance Lane" as requested by all property owners on said street.

OPERATORS LICENSE AUTHORIZED ISSUED TO CAROLINA DETECTIVE AGENCY, 506 INDEPENDENCE BUILDING.

Councilman Baxter moved that the application of Carolina Detective Agency for a License to operate a business at 506 Independence Building be granted. The motion was seconded by Councilman Wilkinson, and unanimously carried.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

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

- (a) One 30-ft. driveway at 900 S. Tryon Street.
- (b) One 35-ft., One 25-ft. and One 20-ft. driveway at 2214-2218 North Brevard Street.
- (c) One 20-ft. driveway at 306 E. Morehead Street.
- (d) One 12-ft. driveway at 501 S. Alexander Street.
- (e) One 35-ft. driveway on E. Boulevard and One 35-ft. driveway on Kenilworth Avenue both for 1300 E. Boulevard.
- (f) One 25-ft. and One 30-ft. driveway on Bryant Street and One 20-ft. driveway on Walnut Ave., all for 1451 Bryant Street.
- (g) Two 32-ft. driveways on Beatties Ford Road and One 30-ft. driveway on Mill Road, all for 400 Beatties Ford Road.
- (h) Two 30-ft. driveways on Independence Blvd. and One 26-ft. and two 30-ft. driveways on Pierson Dr., all for 3000 Independence Blvd.

CONFIRMATION OF SALE OF PROPERTY AT 124 WEST 11TH STREET.

Councilman Wilkinson moved that the sale of property at public auction on July 21st to the high bidder, Lee Wing and wife, at \$75.00, be confirmed. The motion was seconded by Councilman Baxter, and unanimously carried.

CONSTRUCTION OF STORM DRAIN AND CONNECTIONS IN TARRINGTON AVE AND SHEFFIELD DRIVE AUTHORIZED.

Motion was made by Councilman Foard, seconded by Councilman Baxter, and unanimously carried, authorizing the construction of 178 feet of 60-inch storm drain and lateral connections in Tarrington Ave. and Sheffield Drive, at an estimated cost of \$6,310.00 to the City.

August 13, 1958
Minute Book 38 - Page 88

CONTRACTS FOR INSTALLATION OF WATER MAINS AUTHORIZED WITH ERVIN CONSTRUCTION COMPANY AND AMITY SUPPLY COMPANY.

Upon motion of Councilman Wilkinson, seconded by Councilman Baxter, and unanimously carried, the following contracts for the installation of water mains were approved:

- (a) Contract with Ervin Construction Company for the installation of 5,250-ft. of 8" and 12" water mains and 3 hydrants in North Independence Boulevard to serve Amity Gardens Shopping Center, at an estimated cost of \$32,000.00. 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 April 8, 1953, with Amity Supply Company, for the installation of 1,165-ft. of 6" water mains and 2 hydrants south of Old Sardis Road and west of Sharon-Amity Road, at an estimated cost of \$3,500.00. The company to pay all costs and own the mains until the area is taken into the City.

AGREEMENT WITH STATE HIGHWAY COMMISSION FOR RIGHT-OF-WAY FOR WATER MAINS INSTALLATION IN INDEPENDENCE BOULEVARD, NORTH.

Councilman Foard moved approval of an agreement with the State Highway Commission for right-of-way for the installation of a 12-inch water main in Independence Boulevard, North, between Commonwealth Avenue and Pierson Drive. The motion was seconded by Councilman Baxter, and unanimously carried.

CONTRACT AWARDED CHARLOTTE LINEN SERVICE FOR LINEN SERVICE TO VARIOUS CITY DEPARTMENTS.

Upon motion of Councilman Wilkinson, seconded by Councilman Albea, and unanimously carried, contract was awarded the low bidder, Charlotte Linen Service, for furnishing 21 items of linen service to the City Hall, Airport, Health Department, Abattoir, Police Department, Fire Department and Water Department Distribution System Division, on a unit price basis, at a net delivered price of \$4,169.65.

Net delivered bids received are as follows:

| | |
|---------------------------|------------|
| Charlotte Linen Service | \$4,169.65 |
| Independent Linen Service | \$4,988.89 |

CONTRACT AWARDED GRINNELL COMPANY FOR DRILLING MACHINE.

Mr. Andy Cooley, representing Atlas Supply Company, spoke in regard to the recommendation of the Purchasing Agent for the award of Contract to Grinnell Company for a Drilling Machine, whose bid was for the identical amount and product as that of his Company, said bids being the lowest bids submitted. Mr. Cooley stated that the Purchasing Agent contacted his company and suggested that they and Grinnell Company draw for the award or consent to splitting the contract price, which they consented to do. However, later he was advised that Grinnell Company was not willing to do either; therefore, they feel that they should be considered by the Council for the Contract.

Councilman Foard moved that the matter be deferred until next meeting. The motion lost for lack of a second.

August 13, 1958
Minute Book 38 - Page 89

The City Manager stated he was sure that Grinnell Company would have had a representative present had they known the recommendation would be contested.

Councilman Wilkinson moved that the contract be awarded as recommended to Grinnell Company for One Drilling Machine, complete as specified, Mueller No. CL-12, at a bid price of \$3,235.15, subject to cash discount of \$64.70, or a net delivered price of \$3,170.45.

Bids received were as follows:

| | |
|------------------------|-------------------|
| Grinnell Company, Inc. | \$3,235.15 |
| Less cash discount | 64.70 |
| Net delivered price | <u>\$3,170.45</u> |
| Atlas Supply Company | \$3,235.15 |
| Less cash discount | 64.70 |
| Net delivered price | <u>\$3,170.45</u> |
| Mueller Company | \$3,243.15 |
| Less cash discount | 64.26 |
| Net delivered price | <u>\$3,178.89</u> |

CONTRACT AWARDED KNOXVILLE FOUNDRY COMPANY FOR MANHOLE RINGS AND COVERS.

Motion was made by Councilman Foard, seconded by Councilman Baxter, and unanimously carried, awarding contract to the low bidder, Knoxville Foundry Company, for 175 Manhole Rings and Covers, machined, as specified, on a unit price basis, representing a total price of \$4,427.50.

Net delivered bids received are as follows:

| | |
|---------------------------|------------|
| Knoxville Foundry Company | \$4,427.50 |
| Dewey Brothers, Inc. | \$4,487.17 |
| Sumter Machinery Company | \$4,634.44 |

CONTRACT AWARDED GLAMORGAN PIPE & FOUNDRY COMPANY FOR CAST IRON PIPE.

Upon motion of Councilman Foard, seconded by Councilman Baxter, and unanimously carried, contract was awarded the low bidder, Glamorgan Pipe and Foundry Company, for 31,000 lineal feet of 6 inch and 21,000 lineal feet of 8 inch Mechanical Joint Pipe, at a total net delivered price of \$107,140.00.

Net delivered bids received are as follows:

| | |
|----------------------------------|--------------|
| Glamorgan Pipe & Foundry Company | \$107,140.00 |
| Lynchburg Foundry Company | \$108,600.00 |
| U. S. Pipe & Foundry Company | \$109,640.00 |
| American Cast Iron Pipe Company | \$111,110.00 |

SPECIAL OFFICER PERMITS AUTHORIZED ISSUED TO CYRUS C. AUSTIN, JOE L. BRIDGER AND CHARLIE DEAN.

Motion was made by Councilman Albea, seconded by Councilwoman Evans, and unanimously carried, authorizing the issuance of Special Officer Permits as follows:

August 13, 1958
Minute Book 38 - Page 90

- (a) Issuance of Permit to Cyrus C. Austin and Joe L. Bridger, for use on the premises of Highland Park Manufacturing Company.
- (b) Renewel of Permit to Charlie Dean, for use on the premises of The House of Prayer.

IMPROVEMENTS TO MEADOW LANE, BETWEEN ACADEMY AND GARINGER HIGH SCHOOL SITE AUTHORIZED.

Councilman Wilkinson moved approval of improvements, by laying storm drains, minor paving and curb and gutter, in Meadow Lane, between Academy Street and Garinger High School site, being the access road to the school. The motion was seconded by Councilman Baxter, and unanimously carried.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Liston E. Bowman and wife, for Lot 135, Section 4-A, Evergreen Cemetery, at \$126.00.
- (b) Duplicate deed to Estate of Joshua Miller, for Lot 5, SE quarter, Section Johnson Annex, 9th Street Pinewood Cemetery, at \$1.00 for new deed.

CONTRACT AWARDED TOMPKINS-JOHNSTON COMPANY FOR FURNISHING NEW BOILERS

Upon motion of Councilwoman Evans, seconded by Councilman Foard, and un-animously carried, contract was awarded the low bidder, Tompkins-Johnston Company for furnishing Two package type low pressure steam boiler burner units in the City Hall, at a bid price of \$12,397.00, and the transfer from the Emergency Fund of the said amount to Buildings & Grounds Department, Code 505 B-28.

Bids received are as follows:

| | |
|--------------------------------|-------------|
| Tompkins-Johnston Company | \$12,397.00 |
| Southern Piping Company | \$13,211.00 |
| Atlas Supply Company | \$13,350.00 |
| A. Z. Price & Associates | \$13,881.00 |
| Gas Heat Distributors | \$12,826.00 |
| Heat & Power Equipment Company | \$13,815.00 |

EMPLOYMENT OF TEMPORARY CLERK IN ACCOUNTING DEPARTMENT AUTHORIZED AND FUNDS TRANSFERRED FROM EMERGENCY FUNDS FOR SALARY.

Councilman Albea moved approval of the employment of a temporary clerk in the Accounting Department for a period of ten and one-half months, at a minimum salary of \$250.00, on account of the illness of one of the Junior Auditors in the department, and that \$2,625.00 be transferred from the Emergency Fund, Code 110, to Accounting Department, Salary Account, Code 202 A-7. The motion was seconded by Councilwoman Evans, and unanimously carried.

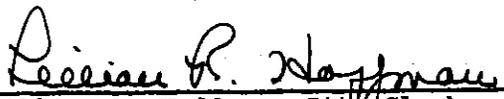
August 13, 1958
Minute Book 38 - Page 91

JOB CLASSIFICATION OF JOHN CAMPBELL, MECHANIC'S HELPER IN POLICE DEPARTMENT GARAGE, CHANGED FROM 220 LEVEL TO 340 LEVEL OF JUNIOR GRADE MECHANIC.

Councilman Albea moved approval of the recommended change in the job classification of John Campbell, Mechanic's Helper in the Police Department Garage, from 220 level to 340 level of Junior Grade Mechanic, which carries a beginning salary of \$237.00 per month. The motion was seconded by Councilman Baxter, and unanimously carried.

ADJOURNMENT.

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


Lillian R. Hoffman, City Clerk