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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 Monday, February 15, 1960, at 3 o'clock p.m., with Mayor Smith presiding, and Councilmen Albea, Babcock, Dellinger, Hitch, Myers, Smith and Whittington being present.

ABSENT: None

Planning Board Commissioners Sibley, Chairman, Craig, Ervin, McClure, Schwartz, Toy and Wilkinson being present during the hearings on petitions to amend the Building Zone Maps of Charlotte and the Perimeter Area.

ABSENT: Commissioners Hanks, Hook and Marsh.

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED AS CORRECTED.

Upon motion of Councilman Albea, seconded by Councilman Hitch, and un-animously carried, the Minutes of the last meeting on February 8th were approved as corrected, at the request of Councilman Babcock, by eliminating the words "and if he is not guilty then he should go back to work" in line 12, Page 246, as recorded as having been made by Councilman Babcock in connection with Mr. Cook, formerly Clerk of City Recorder's Court.

HEARING ON ORDINANCE NO. 644 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE.

The scheduled hearing was held on Ordinance No. 644 Amending the Zoning Ordinance to amend the Building Zone Map of the annexed area of Charlotte by changing property on the east side of Sharon Road, from Rural to B-1 on petition of Mary S. Parker and Ruth I. Stewart.

Mr. McIntyre, Planning Director, presented a map of the property and stated this is a small irregular piece of land, 236 feet deep, fronting 63 feet on Sharon Road; that all of the adjoining area is zoned Rural, there are three service stations across from the property and a school and small business area nearby.

Mr. Allen Tate, representing the petitioner, stated the property is almost behind a service station, and is unsuitable for residential purposes because of a Duke Power Sub-station adjoining; that the existing service alley into the property would provide space for off-street parking. He stated they did not contemplate erecting any permanent buildings on the property that would interfere with the widening of the roadway.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 645 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE.

The public hearing was held on Ordinance No. 645 Amending the Zoning Ordinance to amend the Building Zone Map of the annexed area of Charlotte by changing property on the southwest side of Gold Mine Road (in Paw Creek Township) from Rural to Industrial, on petition of F.D. Collins and wife.

A map of the property and area was presented by the Planning Director, who stated the property consists of 197 acres and is practically undeveloped, as is the adjoining property.

Mr. J. Louis Carter, Attorney representing the petitioner Mr. F.D. Collins, stated the property is adjoined by Superior Coal Company and several other industrial plants all zoned Industrially and it is the logical zoning for his client's property.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 646 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE.

The scheduled hearing was held on Ordinance No. 646 Amending the Zoning Ordinance to amend the Building Zone Map of the annexed area of Charlotte by changing property on the south side of Cinderella Road, east of Sugaw Creek Road, from R-2 to B-1, on petition of Ervin J. Rust and James F. Elam and wife.

The Planning Director stated the property joins the area recently rezoned B-1; that it is vacant land, 360-ft. deep by 726 feet; that it is adjoined on Sugaw Creek Road by a residential development and across Sugaw Creek Road the land is zoned B-1.

Mr. Kenneth Griffin and Mr. Charlie Henderson, Attorneys representing the petitioners Ervin J. Rust and James F. Elam, stated that the Goodyear Company has a development adjoining the property which was recently zoned B-1; that there exists a B-1 area between the property in question and the residential area across Sugaw Creek Road. They advised the property is best suited for business purposes and there is sufficient area for off-street parking on the front of the property.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred one week.

HEARING ON ORDINANCE NO. 647 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE.

The public hearing was held on Ordinance No. 647 Amending the Zoning Ordinance to amend the Building Zone Map of the annexed area of Charlotte by changing property on Hoskins Road, near Mt. Holly Road, from R-2 to Industrial, on petition of Charlotte Block, Inc.

Mr. McIntyre, Planning Board Director, stated the property is 40 ft by 516 feet long and is situated between Hoskins Road and Ramsey Street; that it is adjoined on the northeast by vacant land and is close to the SAL Railway tracks; that across from Hoskins Avenue there is a church. That the property is adjoined on the northwest and northeast by industrial zoning and on the southwest by residences.

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Mr. John Irby, representing Charlotte Block Company, stated the property is split down the center by an R-2 zone, 200 feet being zoned residentially with a 100 foot right-of-way from the railroad, and the remainder of the property is zoned industrially, and on the west of the property the zoning is industrial. He advised there is a church to the east of the property, but to the south is Hoskins Mills, which is zoned industrially. He advised they cannot use the property along the railroad unless the entire track is zoned Industrial. He stated they wish to use the property for the enlargement of their own business.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for one week.

MEETING RECESSED FOR FIVE MINUTES.

Mayor Smith announced that the meeting would be recessed for five minutes.

MEETING RECONVENED.

The meeting was reconvened and called to order by Mayor Smith.

APPOINTMENT OF HAL L. ROGERS AS CLERK OF RECORDER'S COURT.

Councilman Smith nominated Mr. Hal L. Rogers as Clerk of Recorder's Court. The nomination was seconded by Councilman Hitch.

Councilman Albea nominated Mr. Brenard L. Aycock as Clerk of Recorder's Court. The nomination was seconded by Councilman Whittington.

Councilman Dellinger nominated Mr. Donald M. Ellington as Clerk of Recorder's Court.

Councilman Whittington stated that since he has no information about Mr. Rogers and he has not filed an application for the position as of this date as the other candidates have, he cannot vote for him.

Councilman Babcock moved the appointment of Mr. Hal L. Rogers as Clerk of Recorder's Court. The motion was seconded by Councilman Smith, and carried with the votes cast as follows:

YEAS: Councilmen Babcock, Hitch, Myers and Smith.  
NAYS: Councilmen Albea, Dellinger and Whittington.

Councilman Dellinger then moved that the appointment of Mr. Rogers be made unanimous, which was seconded by Councilman Albea, and unanimously carried.

CLERK OF CITY RECORDER'S COURT DIRECTED TO MAKE SUMMARY REPORT ON A QUARTERLY BASIS TO THE CITY MANAGER.

Councilman Dellinger moved that the Clerk of Recorder's Court render a summary report of the activities of his office satisfactory to the City Manager and City Attorney. The motion was seconded by Councilman Whittington.

Councilman Myers stated he feels the details of what the report should contain should be defined.

Councilman Dellinger stated such a report would of necessity include the confiscated properties taken in, disposition of the warrants handled and a general report of the activities of the office.

Councilman Babcock stated he thinks the Council wants a report to determine whether any irregularities are going on in the department.

The City Attorney stated he suggests the use of the word "summary" report which will cover all phases.

The vote was taken on the motion, and unanimously carried.

#### REPORT ON AMBULANCE QUESTION TO BE SUBMITTED IN TWO WEEKS.

Councilman Smith advised that he met with the white Funeral Directors on last Friday relative to the question of providing Ambulance Service, and progress is being made, and he will make a report to Council in two weeks.

#### TRAFFIC COUNT REQUESTED MADE AT INTERSECTION OF EUCLID AND EAST PARK AVENUES.

Councilman Whittington requested the City Manager to have a traffic count made at the intersection of Euclid and East Park Avenues and report back to Council.

#### PROPOSED ORDINANCE GOVERNING GARBAGE COLLECTION REQUESTED SUBMITTED.

Councilman Whittington requested that the Superintendent of the Sanitary Department submit to Council the ordinance regarding garbage collection which was requested some months ago. Mr. Veeder stated he is probably responsible for the delay and the ordinance would be submitted at an early date.

#### APPOINTMENT OF ASSISTANT CLERK OF RECORDER'S COURT DEFERRED.

Councilman Whittington nominated Mr. Donald M. Ellington as Assistant Clerk of Recorder's Court and moved his appointment, which was seconded by Councilman Dellinger.

Objections were expressed to the appointment of the personnel of the office at this time and that the new Clerk of the Court have a voice in the selection. The opinion was expressed that the Council is a policy making body and the head of the department should answer to the Council.

Councilman Whittington withdrew his motion and advised if Mr. Ellington is acceptable to Mr. Rogers that he would ask for his appointment next week.

#### CITY MANAGER DIRECTED TO MAKE SURVEY OF PHYSICAL NEEDS AND PERSONNEL REQUIREMENTS OF RECORDER'S COURT OFFICE AND TO INSTRUCT CLERK IN DUTIES AND RESPONSIBILITIES.

Councilman Whittington moved that the City Manager make an immediate survey of the physical needs and personnel required for the Recorder's Court Office; also, that he instruct the Clerk as to what his duties are and advise him he is responsible to the City Manager and through him to the City Council. Councilman Whittington stated he believes the Council will want to consider putting the personnel of the Recorder's Court office under job classification and bring the pay scale up to what it should be. The motion was seconded by Councilman Dellinger, and unanimously carried.

CITY MANAGER DIRECTED TO RECOMMEND REGARDING REQUEST THAT VACATION PAY BE GRANTED MR. CARL COOK, RESIGNED CLERK OF RECORDER'S COURT.

Councilman Whittington moved that vacation pay be allowed Mr. Carl Cook, former Clerk of Recorder's Court resigned. The motion was seconded by Councilman Dellinger.

Mr. Veeder, City Manager, stated if Council sees fit to allow vacation pay to Mr. Cook, then it should be allowed the other two employees of the Court who resigned at the same time. He explained that the present policy is that an employee must give two weeks notice. Councilman Myers suggested that vacation pay be allowed in accordance with the city's policy and the two weeks notice requirement be waived. Councilman Whittington withdrew his motion and requested the City Manager to work out the details so that Mr. Cook may receive the pay for the vacation due him, and advise the Council.

CITY MANAGER DIRECTED TO MAKE RECOMMENDATION AS TO AGE LIMIT OF TAXICAB DRIVERS AND NUMBER OF CONTINUOUS HOURS THEY MAY DRIVE CABS.

Councilman Hitch advised that recently an accident occurred in which a Victory Cab was involved, the driver of which was 70 years old and had been driving for 18 continuous hours. He requested the City Manager to look into the matter of age and period of driving time for such drivers and to give the Council his recommendation.

REPORT THAT HOSPITAL FACT-FINDING COMMITTEE HOPES TO MAKE REPORT WITHIN TWO WEEKS.

Councilman Hitch stated that the Hospital Fact-finding Committee is still having meetings and he believes will have a proposal to submit to Council within another two weeks.

COUNCILMAN SMITH COMMENDED BY MAYOR ON WORK OF SAFETY GROUP.

Mayor Smith commended Councilman Smith for the splendid work of the Safety Committee, whom he understands has organized and is ready to start a program.

POLICY RESOLUTION GOVERNING THE FUTURE CONSTRUCTION OF SANITARY SEWERAGE FACILITIES OF THE CITY OF CHARLOTTE, ADOPTED.

Mr. Veeder, City Manager, presented the revised draft of the policy governing the future construction of sanitary sewerage facilities, where all reference to Plan B, based on 10% revenue, has been eliminated, and the policy now was based on 5% revenue for a 12 months continuous period; the city to make payment during the succeeding year providing the percentage revenue requirement has been satisfied by April 1st of the then current fiscal year; such payments to be made from current revenues, if at all possible.

Councilman Dellinger expressed the opinion that the suggested arrangement will get the city into trouble and he thinks the present policy is much the better as it has been working well and the city has had an unexpended balance.

Councilman Hitch moved the adoption of the resolution as revised. The motion was seconded by Councilman Myers.

Councilman Dellinger offered a substitute motion that the present policy be continued until the new budget is made. The motion was seconded by Councilman Albea, and lost, with the votes cast as follows:

YEAS: Councilmen Dellinger and Albea.  
NAYS: Councilmen Babcock, Hitch, Myers, Smith and Whittington.

Councilman Smith asked that the City Attorney review the resolution before action is taken.

Councilman Hitch temporarily withdrew his motion for the adoption of the resolution, which was accepted by Councilman Myers.

After Mr. Shaw, City Attorney, had reviewed the resolution, he discussed various provisions with the Council, made recommendations, and further revisions were made by the Council and it was decided to eliminate from the resolution and defer until a later date the matter of sewer extensions outside the city limits.

Councilman Hitch then moved the adoption of the resolution as revised, as it relates to inside the corporate limits of the City of Charlotte. The motion was seconded by Councilman Myers, and carried, with the votes cast as follows:

YEAS: Councilmen Babcock, Hitch, Myers, Smith and Whittington.  
NAYS: Councilmen Albea and Dellinger.

The Policy Resolution as adopted is recorded in full in Resolutions Book 3, beginning at Page 461.

CLAIM OF BURTON K. BENNETT REFERRED TO CITY ATTORNEY FOR RECOMMENDATION.

Upon motion of Councilman Dellinger, seconded by Councilman Whittington, and unanimously carried, the claim of Mr. Burton K. Bennett in the amount of \$6.50, covering damages to his car, was referred to the City Attorney for recommendation.

CONTRACT AWARDED RICHLAND SHALE PRODUCTS, DOING BUSINESS AS COLUMBIA PIPE COMPANY, FOR VITRIFIED CLAY PIPE.

Councilman Albea moved the award of contract to the low bidder, Richland Shale Products, doing business as Columbia Pipe Company, for 40,500 lin. ft. of 4, 6, 8, 10 and 12 inch #1 Vitrified Clay Pipe, as specified, in a unit price basis, at a total bid price of \$21,057.50, subject to cash discount of \$421.15, representing a net delivered price of \$20,636.35. The motion was seconded by Councilman Hitch and unanimously carried.

The following net delivered bids were received:

Richland Shale Products Co., doing business as Columbia Pipe Company	\$20,636.35
The Southern Company, Inc.	\$21,928.97
Georgia Vitrified Brick & Clay Co.	\$22,722.77
Pine Hall Brick & Pipe Company	\$24,229.52
Tucker-Kirby Company	\$24,601.43

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AGREEMENT AUTHORIZED WITH STATE HIGHWAY DEPARTMENT FOR RIGHT-OF-WAY FOR CONSTRUCTION OF SANITARY SEWER MAIN ALONG INGLE STREET.

Upon motion of Councilman Whittington, seconded by Councilman Babcock, and unanimously carried, the Mayor and City Clerk were authorized to execute an agreement with the State Highway Department for right-of-way for the construction of a sanitary sewer main along Ingle Street by the City.

CONSTRUCTION OF SANITARY SEWER MAINS IN GREEN MEADOWS SUBDIVISION AUTHORIZED.

Motion was made by Councilman Babcock, seconded by Councilman Whittington, and unanimously carried, authorizing the construction of 2,935-ft. of sanitary sewer mains in Green Meadows Subdivision, inside the city limits, at the request of J. C. Evans, to serve residential property, at an estimated cost of \$8,845.00. All costs to be borne by the applicant, whose required deposit of the entire amount will be used for the construction and the refund will be contingent upon the policy adopted by the Council in connection with sanitary sewer extensions.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Mr. T. I. Galloway for Lot 213, Section 7, Oaklawn Cemetery, at \$320.00.
- (b) Deed with Mrs. Annie Crump for Graves #2 and #4 in Lot 609, and Graves 1, 2, 3 and 4 in Lot 610, Section 8, Oaklawn Cemetery, transferred from Mrs. Mabel Brantly, at \$1.00 for new deed.

RESOLUTION GIVING PERMISSION TO THE PRESIDING JUDGE OF THE DOMESTIC RELATIONS AND JUVENILE COURT TO APPOINT A SUBSTITUTE JUDGE OR JUDGES AS THE CASE MAY BE TO PRESIDE IN THE DOMESTIC RELATIONS AND JUVENILE COURT IN THE EVENT OF THE ABSENCE OR ILLNESS OF THE PRESIDING JUDGE, ADOPTED.

A resolution entitled: "Resolution Giving Permission to the Presiding Judge of the Domestic Relations and Juvenile Court to Appoint a Substitute Judge or Judges as the Case may be to preside in the Domestic Relations and Juvenile Court in the Event of the Absence or Illness of the Presiding Judge" was introduced and read, and upon motion of Councilman Babcock, seconded by Councilman Albea, was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, beginning at Page 464.

CLAIM OF ABRAM WHITE FOR INJURIES DENIED.

Upon motion of Councilman Whittington, seconded by Councilman Babcock, and unanimously carried, the claim of Mr. Abram White in the amount of \$224.50 for expenses relating to illness alleged to have resulted from a fall on the sidewalk in May 1954, was denied as recommended by the City Attorney.

SCHOOL-CROSSING GUARD FOR SERVICE AT ALEXANDER GRAHAM JUNIOR HIGH SCHOOL AUTHORIZED EMPLOYED.

Upon motion of Councilman Dellinger, seconded by Councilman Albea, and unanimously carried, a School-crossing Guard for service at Alexander Graham Junior High School was authorized employed by the Police Department.

Corrected  
2-22-60  
changing name  
as shown

CITY MANAGER REQUESTED TO HAVE SEWER AND WATER TAPS MADE ON BASIS OF SENIORITY AND NOT ON WHO YELLS LOUDEST.

Councilman Myers  
~~Mayor Smith~~ stated the matter of getting water and sewer taps made in the annexed area is vexing the home builders. He requested the City Manager to get the work lined up on a seniority basis as to providing the service, instead of/<sup>as</sup>at present servicing the person who yells the loudest.

ADJOURNMENT.

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

Lillian R. Hoffman  
Lillian R. Hoffman, City Clerk