

February 5, 1958
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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, February 5, 1958, at 4 o'clock p.m., with Mayor Smith presiding, and Councilmembers Albea, Baxter, Brown, Dellinger, Evans, Foard and Wilkinson being present.

ABSENT: None

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilwoman Evans, seconded by Councilman Brown, and unanimously carried, the Minutes of the last meeting on January 29th were approved as submitted.

REQUEST OF H.V. LANG FOR CHANGE IN ZONING ON LOT 9 OF HIS PROPERTY ON WILMORE DRIVE, BE CHANGED FROM RESIDENCE 2 TO INDUSTRIAL, WHICH WAS DENIED BY THE PLANNING BOARD REFERRED TO INSPECTION DEPARTMENT FOR INFORMATION.

Mr. H. V. Lang appeared before Council and stated that he presented a petition to the Planning Commission for change in zoning from R-2 to Industrial of Lots 8 and 9 of his property on Wilmore Drive, between Dowd Road and Larch Street, and they approved the change of Lot 8, which was subsequently adopted by the City Council on December 18, 1957, but they refused to rezone Lot 9. That he is now requesting Council to rezone Lot 9 from R-2 to Industrial or for Business. Following the discussion, Mr. Lang was requested to go to the Building Inspection Department, tell them what he wants and let them advise him as to the type zone he needs on Lot 9, and the Council will then handle the matter.

THOMASBORO WATER COMMITTEE REQUESTS ASSISTANCE IN SECURING CITY WATER, AND ADVISED TO CANVASS AREA TO ASCERTAIN THE NUMBER OF FAMILIES WISHING TO TAP ONTO CITY WATER SUPPLY IF FURNISHED WHEN FUNDS ARE AVAILABLE.

The Reverend Sam H. Zealy, Pastor of Thomasboro Presbyterian Church, was spokesman for the Thomasboro Water Committee, and reviewed the water situation in Thomasboro. He stated that the supply of water from the wells and pumps is extremely low in some parts of the area, and something must be done. That it was their impression from the meeting held in Thomasboro requesting their support of the recent election for the extension of the city limits, that if the election carried their water situation would be declared an emergency and they would receive water from the City's supply within weeks or at least a few months. Later they understood it would be 1958 and later received the shocking news that city funds could not be used for supplying needed facilities in the perimeter area until the date of annexation, which is January, 1960. Then later they understood if they would secure a petition, on forms furnished by the City, the water could be furnished; that they have been waiting for the proper petition forms to be sent them. That they are now appearing to request the Council to tell them step by step just exactly what they must do to secure water.

Councilwoman Evans stated she wished Mr. Zealy and the residents of Thomasboro to understand clearly that when the meeting was held in Thomasboro regarding the election for the extension of the city limits, that they were sincere in their statement to the residents that if the election carried, their water situation would be declared an emergency and water supplied them. However, following the election the Attorney General of North Carolina ruled that existing city funds could not be spent in the perimeter area, and the Council's hands were tied. She did not want the residents to feel that the Council had broken faith with them in any way.

Councilman Baxter stated when it was found that no existing funds could be spent in the perimeter area, and knowing the emergency situation in Thomasboro and also in other areas, a bond election for funds to be spent entirely in the perimeter area to be annexed in 1960 was set up and will be held in three or four weeks, and if it carries, then the City can go to work, and that the Thomasboro emergency will be No. 1 on the list and he would say that city water would be extended to them within five months.

At the request of the Mayor, the City Manager explained the situation, and stated there are many angles to the question. That there is a water system presently in Thomasboro, and the question is if there is a shortage of water supply or is the distribution system inadequate. Then the residents must understand that when City water is furnished they will have to pay the standard \$50.00 charge for beginning metered service and also a tapping fee of 75 cents per front foot of property, and also until the area is annexed they will have to pay the double water rates for being outside the city. At the same time, the City has no way of knowing how many of the residents are willing to meet these terms.

Mayor Smith advised Mr. Zealy that the first thing for them to do is make a canvass of the neighborhood and get the signatures of everyone who wishes to tap onto the city's water system, and be sure and tell them of the various fees or charges that will be involved.

ORDINANCE NO. 447 LICENSING AND REGULATING VEHICLE WRECKER OR TOW-IN SERVICE; REQUIRING INSURANCE POLICIES TO PROTECT THE PUBLIC; PROVIDING FOR INVESTIGATION AND SUPERVISION BY THE CHIEF OF POLICE; SETTING FORTH DUTIES OF LICENSEES AND PROVIDING FOR REVOCATION OF LICENSES.

Mr. Henry Fisher, Attorney representing five Wrecker Companies stated he had read, and given copies of the ordinance Licensing and Regulating of Vehicle Wrecker or Tow-in Service and the ordinance amending the Tow-in Ordinance designating places of storage of wrecked vehicles, prepared by the City Attorney, and he now understands the Wrecker Companies are not unanimous in their approval of the ordinances; however, their primary interest is that a franchise system be adopted and in the tow-in fee and being permitted to tow-in cars to their private lots instead of to the City's lot. That he will say, however, that Captain Henkle is opposed to the cars being taken to private lots.

Mr. Sam Millett and Mr. Ernest DeLaney, Attorneys representing the S & R Auto & Truck Service, stated their client is in favor of the proposed ordinance or some type of ordinance regulating the Wrecker service. Mr. DeLaney stated that at present their client is frozen out because of not having a zone assigned him, and he asked if under the proposed ordinance everyone will be assigned a zone? He was advised that those will who meet all necessary requirements.

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Councilman Baxter introduced the ordinance entitled: "Ordinance No. 447 Licensing and Regulating Vehicle Wrecker or Tow-in Service, Requiring Insurance Policies to Protect the Public; Providing for Investigation and Supervision by the Chief of Police; Setting Forth Duties of Licensees and Providing for Revocation of Licenses" and following the reading thereof moved its adoption. The motion was seconded by Councilman Foard.

Councilman Dellinger offered an amendment to the ordinance that Section 103 thereof, regarding the \$15.00 license fee, be struck out as this is double taxation. The motion was seconded by Councilman Albea.

The City Attorney explained the steps that will be involved in handling the many details, which will involve additional clerical assistance.

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

YEAS: Councilmen Dellinger and Albea.

NAYS: Councilmembers Baxter, Brown, Evans, Foard and Wilkinson.

The vote was then taken on the main motion for the adoption of the ordinance, and unanimously carried. The ordinance is recorded in full in Ordinance Book 12, beginning at Page 215 and ending at Page 217.

ORDINANCE NO. 448 AMENDING THE TOW-IN ORDINANCE OF THE CITY OF CHARLOTTE TO DESIGNATE A PLACE OF STORAGE OTHER THAN A MUNICIPAL GARAGE AND TO PROVIDE FOR STORAGE OF WRECKED VEHICLES IN PRIVATE GARAGES AND TO AMEND THE FEES TO BE CHARGED THEREFOR.

Councilman Baxter then introduced an ordinance entitled: "Ordinance No. 448 Amending the Tow-in Ordinance of the City of Charlotte to Designate a Place of Storage other than a Municipal Garage and to Provide for Storage of Wrecked Vehicles in Private Garages and to Amend the Fees to be Charged Therefor" & following the reading thereof moved its adoption. The motion was seconded by Councilman Foard, and unanimously carried. The ordinance is recorded in full in Ordinance Book 12, at Page 218.

LAWRANCE ROBERTS ADVISES COUNCIL RESIDENTS OF ROZZELLS FERRY ROAD WILL HOLD MEETING IN COURTHOUSE ON MARCH 17TH TO ORGANIZE A PROTEST AGAINST THE NO-PARKING RESTRICTIONS ON ROZZELLS FERRY ROAD.

Mr. Lawrence Roberts, operator of a Barber Shop at 1806 Rozzells Ferry Road, advised the Council that a man, who does not want to be identified at this time, will head a delegation of residents and businessmen of Rozzells Ferry Road at a meeting at the Court House on March 17th to organize a protest against the no-parking restrictions on Rozzells Ferry Road. He invited the Council to the meeting. Mayor Smith advised Mr. Roberts that Rozzells Ferry Road is a state highway and the widening was done by the State Highway Commission who controls the parking.

APPOINTMENT OF FRANK A MCCLENEGHAN TO THE AUDITORIUM-COLISEUM AUTHORITY.

Councilman Baxter moved the appointment of Mr. Frank A. McCleneghan to the Auditorium-Coliseum Authority to fill the unexpired term of Mr. Claude A. Cochran, deceased, for a period ending on April 25, 1961. The motion was seconded by Councilwoman Evans, and unanimously carried.

EXTENSION OF SICK LEAVE TO FIREMAN J. H. MORTON AUTHORIZED.

Upon motion of Councilman Foard, seconded by Councilman Albea, and un-animously carried, Fireman J. H. Morton was granted an extension of his sick leave to March 4, 1958.

TRANSFER OF FUNDS FROM WATER & SEWER SURPLUS FUND FOR FISCAL YEAR 1956-57 AUTHORIZED TO ENGINEERING DEPARTMENT, SEWER CONSTRUCTION ACCOUNT, FOR CONSTRUCTION OF SANITARY SEWER MAIN TO SERVE PROPERTY ON BEATTIES FORD ROAD.

Upon motion of Councilman Dellinger, seconded by Councilman Brown, and un-animously carried, the transfer of \$960.00 from the Water & Sewer Surplus Funds for the fiscal year 1956-57 was authorized to the Engineering Department, Sewer Construction Account (Code 1621 G-19), for the construction of a sanitary sewer main to serve a portion of property on Beatties Ford Road.

CONSTRUCTION OF SANITARY SEWER MAIN IN BEATTIES FORD ROAD AT REQUEST OF GULF OIL COMPANY, AUTHORIZED.

Councilman Wilkinson moved approval of the construction of 400-feet of sanitary sewer main in Beatties Ford Road, at request of Gulf Oil Company, to serve two business units, at an estimated cost of \$960.00. All costs to be borne by the City, with refund of applicant's required deposit of \$360.00 in accordance with the terms of the contract. The motion was seconded by Councilman Albea, and un-animously carried.

CONTRACT AUTHORIZED WITH D. E. ALLEN DEVELOPMENT COMPANY FOR CONSTRUCTION OF WATER MAINS AND HYDRANTS IN MILTON PARK SUBDIVISION.

Motion was made by Councilman Brown, seconded by Councilman Wilkinson, and un-animously carried, authorizing contract with D. E. Allen Development Company, for the construction of 9,225-feet of water mains and 8 hydrants, in Milton Park Subdivision, located northwest of Shamrock Hills, at an estimated cost of \$29,000.00. The City to finance all construction cost, and applicant to guarantee an annual gross water revenue equal to 10% of the total cost.

CONTRACT AWARDED YOUNG MOTOR COMPANY FOR ONE 1958 FORD FAIRLANE TOWN SEDAN FOR THE POLICE DEPARTMENT.

Upon motion of Councilman Dellinger, seconded by Councilman Wilkinson, and un-animously carried, the contract was awarded the low bidder, Young Motor Company, for One 1958 Ford Fairlane Town Sedan, equipped as specified, for a total net exchanged delivered price of \$1,028.50.

All Bidders and their net exchanged delivered prices are as follows:

| | |
|-----------------------------|------------|
| Young Motor Company | \$1,028.50 |
| Courtesy Motors, Inc. | \$1,071.00 |
| Don Allen Chevrolet Company | \$1,082.62 |
| City Chevrolet Company | \$1,250.21 |

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CONTRACT AWARDED J. J. THOMAS, PAINT CONTRACTOR, FOR PAINTING INTERIOR AND EXTERIOR OF MINT MUSEUM OF ART.

Councilman Brown moved that contract be awarded the low bidder, J. J. Thomas, Paint Contractor, for furnishing all necessary labor, tools, materials, equipment, supervision and other means of expense to paint the interior and exterior of the Mint Museum of Art in accordance with the specifications, at a total price of \$1,495.00. The motion was seconded by Councilman Foard, and unanimously carried.

All Bidders and bid prices are as follows:

| | |
|------------------------------|------------|
| J. J. Thomas | \$1,495.00 |
| Consolidated Painters, Inc. | \$1,768.00 |
| Claude R. Evans | \$2,032.00 |
| T. D. Smith | \$2,327.00 |
| M. R. Tarlton | \$2,327.00 |
| Robert Reid Painting Company | \$2,796.16 |
| W. C. Wallace & Son, Inc. | \$3,170.00 |

RENEWAL OF SPECIAL OFFICER PERMIT TO W. T. ALEXANDER, FOR USE ON PREMISES OF MEMORIAL HOSPITAL.

Upon motion of Councilwoman Evans, seconded by Councilman Wilkinson, and unanimously carried, the Special Officer Permit issued to W. T. Alexander for use on the premises of Memorial Hospital was renewed for one year.

TRANSFER OF CEMETERY LOT.

Councilman Alba moved that the Mayor and City Clerk be authorized to execute a deed with Mrs. Harold C. Moore, for Grave #6, Lot 93, Section 3 of Evergreen Cemetery, at \$40.00. The motion was seconded by Councilman Dellinger, 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