

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, June 27th, at 3 o'clock p.m., with Mayor Smith presiding, and Councilmen Albea, Babcock, Dellinger, Hitch, Myers and Whittington being present.

ABSENT: Councilman Smith.

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Hitch, seconded by Councilman Albea, and un-animously carried, the Minutes of the last meeting on June 20th were approved as submitted.

ORDINANCE NO. 674 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP BY CHANGING ZONING ON PROPERTY ON THE SOUTHWEST SIDE OF EAST 36TH STREET AT ALEXANDER STREET, FROM R-2 TO B-1, DENIED.

Upon motion of Councilman Albea, seconded by Councilman Hitch, and un-animously carried, Ordinance No. 674 Amending the Zoning Ordinance by changing property located on the southwest side of E. 36th Street at Alexander Street, from R-2 to B-1, on petition of W. J. Lowder, et al was denied, as recommended by the Planning Board.

ORDINANCE NO. 675 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP BY CHANGING ZONING ON PROPERTY AT 1215-1233 EAST BOULEVARD, FROM R-2 TO B-1, DEFERRED ONE WEEK.

Upon motion of Councilman Babcock, seconded by Councilman Whittington, and un-animously carried, Ordinance No. 675 Amending the Zoning Ordinance by changing property at 1215-1233 East Boulevard, from R-2 to B-1, on petition of East Boulevard Corp. et al, was deferred for one week, Councilman Babcock advising that the Petitioner wishes to discuss with the Planning Board their reasons for recommending disapproval of the petition.

ORDINANCE NO. 676 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP BY CHANGING ZONING ON PROPERTY LOCATED SOUTH OF THE SEABOARD RAILROAD, NEAR MARVIN ROAD, FROM R-2 TO INDUSTRIAL, ADOPTED WITH EXCEPTION OF A 30-FOOT STRIP ALONG BOTH THE EASTERLY & WESTERLY EDGES OF THE PROPERTY.

Councilman Dellinger moved that Ordinance No. 676 Amending the Zoning Ordinance by changing property located south of the Seaboard Railroad, near Marvin Road, from R-2 to Industrial, on petition of Mrs. W. H. Belk be adopted with the exception of a 30-foot strip along both the easterly and westerly edges of the property, as recommended by the Planning Board. The motion was seconded by Councilman Albea, and un-animously carried.

The ordinance is recorded in full in Ordinance Book 12, at Page 497.

ORDINANCE NO. 677 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP BY CHANGING ZONING ON THE EAST SIDE OF PINEVILLE ROAD, ADJOINING SELWYN PARK NO. 8, FROM R-1 TO INDUSTRIAL, DEFERRED ONE WEEK.

Councilman Hitch moved that Ordinance No. 677 Amending the Zoning Ordinance by changing property on the east side of Pineville Road, from R-1 to Industrial, on petition of Atlas Drive-In Theatre, Inc., be adopted as recommended by the Planning Board. The motion was seconded by Councilman Babcock.

Councilman Dellinger stated he understands the foundation was constructed before Council acted on their petition for change in zoning. The City Manager stated he understands the Petitioner secured approval of a variance from the Zoning Board of Adjustment, and then filed their petition for a zoning change. Mr. Shaw, City Attorney, stated he does not know anything about the action of the Zoning Board of Adjustment but he was asked over the phone for a ruling and as the property had been used as a Drive-in Theatre and they wished to convert it to a shopping center, the question was about upgrading the use of the property, and he ruled they could substitute a Shopping Center for a Drive-In Theatre.

Councilman Whittington offered a substitute motion that action be deferred for one week, and the City Manager give the Council a report as to the foundation being in place. The motion was seconded by Councilman Dellinger.

Councilman Hitch withdrew his motion, and the vote was cast unanimously for the substitute motion.

ORDINANCE NO. 678 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP BY CHANGING ZONING ON THE WEST SIDE OF PARK ROAD, BETWEEN WOODLAWN ROAD AND DREXEL PLACE, FROM R-2 AND R-1, TO OFFICE-INSTITUTION, DENIED.

Upon motion of Councilman Albea, seconded by Councilman Hitch, and un-animously carried, Ordinance No. 678 Amending the Zoning Ordinance by changing property on the west side of Park Road, between Woodlawn Road and Drexel Place, from R-2 and R-1, to Office-Institution, on petition of W. W. Lineberger, L. L. Reitzel and W. H. Straughn, was denied, as recommended by the Planning Board.

ORDINANCE NO. 679 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP BY CHANGING ZONING ON PROPERTY ADJOINING PROVIDENCE VILLAGE SHOPPING CENTER FRONTING ON PROVIDENCE AND SHARON AMITY ROADS, FROM R-2 TO B 1-A, DEFERRED ONE WEEK.

Motion was made by Councilman Babcock, seconded by Councilman Whittington and un-animously carried, deferring action for one week on Ordinance No. 679 Amending the Zoning Ordinance by changing property adjoining Providence Village Shopping Center fronting on Providence and Sharon Amity Roads, from R-2 to B 1-A, on petition of Dunnaway, Harry, Jenkins Lee and Williams.

ORDINANCE NO. 680 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP BY CHANGING ZONING ON PROPERTY AT THE SOUTHWEST CORNER OF SHARON AND FAIRVIEW ROADS, FROM RURAL TO B-1, ADOPTED.

Upon motion of Councilman Hitch, seconded by Councilman Albea, and un-

animously carried, Ordinance No. 680 Amending the Zoning Ordinance by changing property at the southwest corner of Sharon and Fairview Roads, from Rural to B-1, on petition of Esso Standard Division of Humble Oil and Refining Company, was adopted, as recommended by the Planning Board.

The ordinance is recorded in full in Ordinance Book 12, at Page 498.

RESOLUTION ACCEPTING GRANT OFFER IN THE AMOUNT OF \$114,000.00 BY THE UNITED STATES GOVERNMENT, FEDERAL AVIATION AGENCY, AS AN AID IN THE DEVELOPMENT OF DOUGLAS MUNICIPAL AIRPORT, ADOPTED.

A resolution entitled: "Resolution Accepting Grant Offer in the Amount of \$114,000.00 by the United States Government, Federal Aviation Agency, as an Aid in the Development of Douglas Municipal Airport" was introduced and read, and upon motion of Councilman Hitch, seconded by Councilman Whittington, was unanimously adopted. The resolution is recorded in full in Resolutions Book 4, at Page 23.

RESOLUTION APPROPRIATING FUNDS FOR PAYING USUAL EXPENSES OF THE CITY PENDING THE ADOPTION OF THE ANNUAL APPROPRIATION ORDINANCE, ADOPTED.

A resolution entitled: "Resolution Appropriating Funds for Paying Usual Expenses of the City Pending the Adoption of the Annual Appropriation Ordinance" was introduced and read, and upon motion of Councilman Dellinger, seconded by Councilman Whittington, was unanimously adopted. The resolution is recorded in full in Resolutions Book 4, at Page 24.

RESOLUTION PROVIDING FOR FILING OF BUDGET ESTIMATE FOR THE FISCAL YEAR 1960-61 WITH THE CITY CLERK, ADOPTED.

A resolution entitled: "Resolution Providing for Filing of Budget Estimate for the Fiscal Year 1960-61 with the City Clerk" was introduced and read, and upon motion of Councilman Hitch, seconded by Councilman Whittington, was unanimously adopted. The resolution is recorded in full in Resolutions Book 4, at Page 25.

BIDS REJECTED AND SPECIFICATIONS AUTHORIZED REVISED AND READVERTISED FOR ELECTRICAL WIRING AND INSTALLATION OF AIR CONDITIONING UNITS IN CITY HALL.

Councilman Myers moved that all bids received for the electrical wiring and installation of air conditioning units in City Hall be rejected and the specifications be revised and re-advertised, as recommended by the City Manager. The motion was seconded by Councilman Albea, and unanimously carried.

CONTRACT AUTHORIZED WITH WEYERHAEUSER COMPANY FOR INSTALLATION OF WATER MAINS IN HOVIS ROAD.

Councilman Dellinger moved approval of a contract with Weyerhaeuser Company, for the installation of 250-feet of water mains and one hydrant, in Hovis Road, formerly known as Chemway Road, at an estimated cost of \$2,400.00. The City to finance all costs and applicant to guarantee an annual gross water revenue equal to 10% of the total construction cost. The motion was seconded by Councilman Hitch, and unanimously carried.

CONSTRUCTION OF SANITARY SEWERS AUTHORIZED.

Upon motion of Councilman Dellinger, seconded by Councilman Hitch, and unanimously carried, the construction of sanitary sewer was authorized as follows:

- (a) Construction of 240-ft. of 8-inch main to serve 3 vacant lots, in portion of Shannon Park, inside the city, at request of Tri-Development Corporation, at estimated cost of \$805.00. All costs to be borne by the applicant, whose required deposit of the entire amount will be refunded as per terms of the agreement.
- (b) Construction of 2,002-ft. of 8-inch mains and trunk, to serve portion of Milton Park, inside the city, at request of S. M. Hobbs, at estimated cost of \$7,465.00. All costs to be borne by the applicant, whose required deposit of the entire amount will be refunded as per terms of the agreement.

PAYMENT AUTHORIZED TO F. O. SHORT AND WIFE, VIRGINIA S. SHORT IN SETTLEMENT OF SEWER RIGHT-OF-WAY TO EATON ROAD.

Councilman Hitch moved that payment of \$500.00 be authorized to Mr. F. O. Short and wife, Virginia S. Short, in settlement of sewer right-of-way to Eaton Road, as recommended by the City Attorney. The motion was seconded by Councilman Albea, and unanimously carried.

PAYMENT FROM SEWER BOND FUND AUTHORIZED TO GRIER, PARKER, POE & THOMPSON FOR LEGAL SERVICES IN CONNECTION WITH SANITARY SEWER RIGHTS-OF-WAY IN THE 1960 CITY LIMIT AREA.

Upon motion of Councilman Albea, seconded by Councilman Dellinger, and unanimously carried, payment of \$685.00 was authorized from the Sewer Bond Fund to Grier, Parker, Poe & Thompson for legal services in connection with sanitary sewer rights-of-way in the 1960 city limit area.

CONDEMNATION PROCEEDINGS AUTHORIZED STARTED FOR SEWER RIGHTS-OF-WAY IN VANDERBROOK ROAD AND SHERIDAN DRIVE.

Motion was made by Councilman Hitch, seconded by Councilman Babcock, and unanimously carried, authorizing the start of condemnation proceedings for the Vanderbrook Road sewer right-of-way across the property of Mr. Clayton A. Williams, and for the Sheridan Drive sewer right-of-way across the property of Dr. A. J. Cook.

EXTENSION OF SICK LEAVE GRANTED H. G. CLEVELAND, TAXICAB INSPECTOR.

Councilman Albea moved approval of a 30-day extension of sick leave to Mr. H. G. Cleveland, Taxicab Inspector in the Police Department. The motion was seconded by Councilman Whittington, and unanimously carried.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Mrs. Evelyn T. Dew, for Lot No. 104, Grave 4, Section 3, Evergreen Cemetery, at \$40.00.
- (b) Deed with Mrs. G. Gray Duval, for Lot No. 146, Section 2, Evergreen Cemetery, at \$160.00.

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NOMINATION OF WALLACE W. HANKS AND GEO. L. SIBLEY TO PLANNING BOARD TO REMAIN OPEN ONE WEEK.

Councilman Dellinger placed in nomination for appointment to the Planning Board for a term of three years from June 30, 1960, Mr. Wallace W. Hanks, to succeed himself.

Councilman Hitch nomination Mr. George L. Sibley to the Planning Board for a term of three years from June 30, 1960, to succeed himself.

Councilman Dellinger asked that the nominations remain open for one week and if the policy recently started by the Council to hold nominations open for a week and other nominations be made if desired, is to continue. Mayor Smith replied that anytime the entire Council agrees, nomination will remain open.

APPOINTMENT OF GEORGE GOODYEAR TO REDEVELOPMENT COMMISSION.

Councilman Dellinger moved the appointment of Mr. George Goodyear to the Redevelopment Commission for the unexpired term of Mr. Bob Allen, resigned, ending on November 27, 1960. The motion was seconded by Councilman Whittington. Councilman Babcock moved the appointment of Mr. Claude Freeman to fill the vacancy on the Commission. The motion was seconded by Councilman Hitch.

The vote was taken on the motion for the appointment of Mr. Goodyear, and carried by the following vote:

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

Councilman Babcock moved that the appointment of Mr. Goodyear be unanimous, which was seconded by Councilman Hitch, and unanimously carried.

APPOINTMENT OF DANIEL R. MARTIN TO PARK & RECREATION COMMISSION.

Councilman Whittington moved the appointment of Mr. Daniel R. Martin to the Park & Recreation Commission for the unexpired term of Mr. J. B. Clark, deceased, ending on March 21, 1961. The motion was seconded by Councilman Dellinger. Councilman Babcock moved the appointment of the Reverend Sam H. Zealy to fill the vacancy on the Commission. The motion was seconded by Councilman Hitch.

The vote was cast on the motion for the appointment of Mr. Martin, as follows:

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

The following vote was cast on the appointment of the Reverend Zealy:

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

Mayor Smith cast his vote in favor of the appointment of Mr. Martin, breaking the tied vote, and the motion carried.

Councilman Hitch stated he does not know Mr. Zealy and his reason for voting for his appointment is he understands the western section of the city has not been represented on the Park Board for some time. Councilman Dellinger stated that Mr. Martin is from an area of the city not represented on the Board. Councilman Myers moved that the appointment of Mr. Martin be unanimous, which was seconded by Councilman Hitch, and unanimously carried.

LEASE-AGREEMENT BETWEEN THE PARK & RECREATION COMMISSION AND THE CITY BOARD OF EDUCATION COVERING THE DEVELOPMENT AND USE OF THE AREA AT THE REAR OF THE FORMER CENTRAL HIGH SCHOOL AS A PARKING LOT, APPROVED.

Upon motion of Councilman Dellinger, seconded by Councilman Albea, and unanimously carried, a Lease-Agreement was approved between the Park and Recreation Commission and the City Board of Education covering the development and use of the area at the rear of the former Central High School as a parking area.

FEE FOR WHOLESALE MERCHANTS LICENSE FOR LAST TWO YEAR REFUNDED THE CUNNINGHAM WHOLESALE COMPANY, INC.

The City Manager advised that the Cunningham Wholesale Company, Inc., has voluntarily paid a Wholesale Merchants License and a Wholesale Beer License for the past six years and is requesting a refund of the Merchants License as they only wholesale beer; however, the City Attorney states they are eligible for refund for only the last two years.

Councilman Dellinger moved in view of the fact that the City has illegally collected a Merchants licensefee from the Cunningham Wholesale Co., Inc., they be refunded the license paid by them for the last two years; in the total amount of \$1,500.00, for which they have made demand in writing within two years from the date the same was due to be paid.

STREETS DELETED FROM STATE HIGHWAY SYSTEM ACCEPTED BY CITY ON MAY 16, 1960 FOR MAINTENANCE ON JULY 1, 1960 AMENDED BY ADDITION OF PORTIONS OF SHAMROCK DRIVE, EASTWAY DRIVE AND CENTRAL AVENUE.

Upon motion of Councilman Whittington, seconded by Councilman Albea, and unanimously carried, the Streets deleted from the State Highway System and accepted by the City on May 16, 1960 for maintenance after July 1, 1960, was amended by the addition of Shamrock Drive from Hickory Grove Road to Eastway Drive; Eastway Drive from Shamrock Road to The Plaza and Central Avenue from The Plaza to the city limits.

CLAIM OF MRS JANE S. ELLIOTT FOR PERSONAL INJURY REFERRED TO CITY ATTORNEY.

Councilman Albea moved that the claim of Mrs. Jane S. Elliott in the amount of \$30,000.00 for personal injuries from being struck by a truck at the intersection of East Trade and North Myers Street on April 22, 1960, be referred to the City Attorney. The motion was seconded by Councilman Babcock, and unanimously carried.

NAME OF COLLRIDGE ROAD FROM TUCKASEEGEE ROAD TO FREEDOM DRIVE CHANGED TO CHESHIRE AVENUE.

Councilman Dellinger presented a request from the residents of Coolridge Road that the street name from Tuckaseegee Road to Freedom Drive be changed to Cheshire Avenue, and moved that the request be granted, which is recommended by the Planning Board. The motion was seconded by Councilman Whittington, and unanimously carried.

CONSTRUCTION OF TEMPORARY SIDEWALK AUTHORIZED ON NORTH SIDE OF ROZZELLS FERRY ROAD FROM JUDSON STREET TO HIGHWAY #16.

Councilman Whittington moved that a temporary sidewalk be built on the north side of Rozzells Ferry Road, from Judson Street to Highway #16, at a cost of \$700.00 as estimated by the Engineering Department. The motion was seconded by Councilman Myers, and unanimously carried.

Councilman Whittington asked the City Manager to report to Council as quickly as possible regarding the installation of a light at this location.

RESOLUTION AUTHORIZED PREPARED FOR CONSIDERATION EMBODYING RECOMMENDATIONS OF CHAMBER OF COMMERCE AIRPORT MANAGEMENT STUDY COMMITTEE RELATIVE TO ADMINISTRATION OF AIRPORT.

Councilman Hitch moved the acceptance of the Report and Recommendations of the Airport Management Study Committee of the Chamber of Commerce relative to the administration of the Airport and that the two members of the Advisory Committee be appointed.

The City Manager suggested that as the Report was accepted in principle when presented, it be reduced to a proper resolution, spelling out the specific points to be covered.

Councilman Hitch withdrew his motion and moved that the resolution be prepared and presented for Council consideration. The motion was seconded by Councilman Whittington, and unanimously carried.

Councilman Dellinger recommended that out of deference to the present Airport Advisory Committee, they be invited to meet with the Council in their consideration of the resolution, and they be furnished a copy of the Report and Recommendations of the Chamber of Commerce Committee. The Council concurred in the suggestion.

RECOMMENDATION THAT COUNCIL MEETINGS BE HELD EVERY TWO WEEKS FROM JULY 11TH THROUGH LABOR DAY DISAPPROVED.

Councilman Dellinger moved that regular Council Meetings be held every other week beginning July 11th through Labor Day, as has been the practice in recent years. The motion was seconded by Councilman Babcock, and lost with the votes cast as follows:

YEAS: Councilmen Dellinger and Babcock.

NAYS: Councilmen Albea, Hitch, Myers and Whittington.

ADJOURNMENT.

Upon motion of Councilman Albea, seconded by Councilman Dellinger, and unanimously carried, the meeting was adjourned until July 11, 1960.

  
Lillian R. Hoffman, City Clerk