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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Wednesday, March 30, 1955, at 4 o'clock p.m., with Mayor Van Every presiding, and Councilmen Albea, Baxter, Boyd, Brown, Dellinger, Smith and Wilkinson present.

Absent: None.

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

APPROVAL OF MINUTES.

Upon motion of Councilman Smith, seconded by Councilman Albea, and unanimously carried, the Minutes of the last meeting on March 23rd were approved as submitted.

REQUESTED CONSTRUCTION OF SEWER LINE TO GRIER HEIGHTS DISCUSSED AND DEFERRED ONE WEEK.

Mr. Arthur Grier and Mr. Johnnie Brooks again appeared before Council relative to their request on March 23rd that the City cooperate in their acceptance of an offer of 3.9 acres of land behind Billingsville School for a playground, by constructing a sewer line in Grier Heights. After the discussion, Councilman Baxter moved that the Council consider the matter for another week and see if it cannot be worked out for Mr. Grier. The motion was seconded by Councilman Albea, and unanimously carried. Mr. Yancey, City Manager, had advised the Council that the sewer project would cost \$7,200.00 and other than the proposed playground, the line would only serve three houses. Mr. Grier and Mr. Brooks stated the area is rapidly developing and the line will have to be extended sooner or later; that the value of the proposed park to the youth of the area, who now must go over three miles to the nearest playground, cannot be measured in dollars and cents.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON APRIL 20th ON CHANGE IN ZONING FROM R-2 TO B-1 ON VACANT LOT ON NORTHWEST CORNER OF EAST 34TH STREET AND THE PLAZA.

Mr. J. M. Scarborough, Attorney representing Mr. J. P. Headen, petitioner for a change in zoning from R-2 to B-1 on vacant lot at northwest corner of 34th Street and The Plaza, and Mr. Parker Whedon, Attorney for the opponents to the proposed change, agreed that a hearing be held by Council, instead of presenting their arguments at this time. Thereupon, a resolution entitled: "Resolution Providing for a Public Hearing on an Amendment to the Zoning Ordinance" to change the zoning from R-2 to B-1 on a vacant lot at the northwest corner of East 34th Street and The Plaza, was introduced and read. Councilman Baxter moved the adoption of the resolution, fixing the date of hearing on April 20th. The motion was seconded by Councilman Wilkinson, and unanimously carried. The resolution is recorded in Resolutions Book 2, at Page 258.

COMPLAINT AS TO IMPROVEMENTS TO SIDEWALK AREA IN 1400 BLOCK OF WINSTON DRIVE REFERRED TO CITY MANAGER.

Mr. Frank Hancock, 1436 Winston Drive, advised Council that there are no paved sidewalks in the 1400 block of Winston Drive, and the residents planted grass from the property lines to the street to provide a convenient walkway; that the City has recently covered the area with red dirt filled with rock and foreign materials, and has thereby damaged the appearance of the neighborhood. He advised that the City Engineer stated to him that the work has been completed, and he requested that it be topsoiled and grass seed planted.

Mr. Yancey, City Manager, advised that the work is not completed and the appearance of the area will be satisfactory when finished. He requested Mr. Hancock to confer with him when the city forces have completed their work.

PROTEST AGAINST APPOINTMENT OF CHARLOTTE-MECKLENBURG PLANNING COMMISSION AS THE ZONING COMMISSION FOR THE PERIMETER AREA OF CHARLOTTE.

Mr. Hunter Jones, representing the firm of Robinson & Jones, and Mr. Paul Whitlock, representing the firm of Whitlock, Dockery, Ruff & Perry, Attorneys for Providence Village, Inc., owners of certain property at the northeast corner of Providence Road and Amity Road, appeared before Council in protest of the appointment of the Charlotte-Mecklenburg Planning Commission as a Zoning Commission under the Act of the General Assembly (S.B. No. 105), for the reason that Mr. Spencer Bell, who is Chairman of the Commission, is attorney for the defendants in an action pending in Superior Court entitled: "Providence Village, Inc. plaintiff, vs, Sharon Sanitary District, et al, defendants", in which the validity of an attempt by the Sharon Sanitary District to zone the property of Providence Village, Inc., at the corner of Providence Road and Amity Road, as residence property, is involved.

They advised that they are informed that Mr. Bell was the legal adviser of Sharon Sanitary District at the time of the adoption of the proposed ordinance of said District involved in the law suit. That Mr. Bell has thus already taken a position that this plaintiff's property at Providence and Amity Roads should be zoned as residence property, although it was purchased by Providence Village, Inc., for business purposes and the ordinance adopted by Sharon Sanitary District was undoubtedly adopted for the purpose of preventing the use of the specific property for the purpose it was purchased. That under the circumstances, they take the position that the appointment of Mr. Bell on a Zoning Commission to zone this property should not be made. That Mr. Bell would necessarily be biased in his judgment and could not consider the matter from an unbiased standpoint. That even if he should decline to vote as to any matter affecting the property of Providence Village, Inc., his known position and his position as Chairman of the Commission would necessarily have weight with the other members of the Commission.

Mr. Jones stated further that Mr. Bell was advised by them that they would appear before the Council today to protest the appointment of the Commission.

Councilman Baxter stated he feels that this situation could occur as to various locations around the city, and that all Mr. Bell would have to do was to absent himself when the decision is made on such an area. Mr. Jones replied that even if Mr. Bell did absent himself, he could influence the other members of the Board. That they still say it is not fair to have a man on the Board who has opposed their client.

Councilman Boyd stated he is still of the opinion that the City Council should not assume the power and authority to go beyond the city limits of Charlotte to zone property.

Mr. John D. Shaw, City Attorney, advised the Council that the Legislature with the approval of the City Council and the County Commissioners, says the City Council shall appoint the Commission. Mr. Jones replied that this may be so, but it should have been left to the discretion of the Council, and that they suggest that as long as Mr. Bell is on the Commission, that the Council not appoint them as a Zoning Commission.

Mayor Van Every stated that as he understands it, under the state law the City Council will have to go ahead and appoint the Commission.

PAYMENT OF HALF THE COST OF PAINTING EXTERIOR OF WILMITH HOSPITAL AUTHORIZED.

Mr. Ernest Brown appeared before Council relative to condition of Wilmith Hospital building on the Salisbury Road, leased by the City and County to Alchome, Inc. for hospital purposes. He advised the hospital is serving a great need; that during the first year's operation 1044 patients were treated and at present about 80 patients per month. He stated that the building is badly in need of renovation, and the lessee will paint the interior but they do not have sufficient funds to paint the exterior, which work should be done to preserve the building. Therefore, he requested that the City and County, as joint owners of the property, pay for the exterior painting which will cost \$600.00; he advised that he has contacted the County Commissioners who will pay their half of the amount if the City will do likewise.

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Councilman Dellinger stated that as he understands it, Mr. Brown represents the tenants and is advising the Council that the outside of the building is in desperate need of painting. That Mr. Brown is here asking that the City, as landlord owning 50% of the property, protect its property. That Mr. Brown advises that the tenant does not have the funds to provide the painting. That in view of this, he moves that the Council authorize the expenditure of not exceeding \$300.00 to defray one-half the cost of painting the exterior of the building for its protection, and notify the tenant that the expenditure is being made and under the terms of the lease, they should repay the said \$300.00. The motion was seconded by Councilman Wilkinson, and unanimously carried.

REQUEST OF MRS. E. R. SIMPSON TO TAP ONTO PRIVATE WATER LINE TO SERVE HER RESIDENCE AT 1227 EDGEWOOD ROAD, REFERRED TO CITY MANAGER.

Mrs. E. R. Simpson requested that she be permitted to tap onto a water line belonging to the Schools, in order to secure water for her residence at 1227 Edgewood Road. The request was referred to the City Manager, who stated he would have to confer with the Water Department as to whether taps are permitted to the said private water line.

PAYROLL DEDUCTION OF INSURANCE PREMIUMS OF CITY EMPLOYEES TO COLONIAL LIFE AND ACCIDENT INSURANCE COMPANY AUTHORIZED.

Mr. Craig Lawing and Mr. Raleigh Good appeared before Council relative to the deduction of city employees insurance premiums with Colonial Life and Accident Insurance Company. They advised that many city employees have manifested great interest in their group insurance policy and wish to pay for it by payroll deduction. They requested that the Council authorize the City Accountant to make these deductions.

Mr. Yancey, City Manager, advised if payroll deduction is made for this company, the Council will have to do so for any other company who requests it. Also, that the tabs on the payroll machine in the Accounting Department are all in use with the exception of one which is being retained for the deduction of social security payments.

Mr. Good stated that they have contacted many employees who wish this coverage by payroll deduction, and he has discussed the matter with the City Accountant who says he can make the deductions. He explained in detail the coverage under their plan, stating it is not merely hospitalization but has benefits that will serve the city workers well, at a low cost.

Councilman Brown moved that Mr. Livingston, City Accountant, make the deductions from the employees payrolls for Colonial Life and Accident Insurance Company. The motion was seconded by Councilman Baxter, and unanimously carried.

INSTALLATION OF TRAFFIC SIGNALS AT DILWORTH ROAD EAST AND EAST BOULEVARD, AND AT 35TH STREET AND CALDWELL STREET INTERSECTION, AND THE TRANSFER OF FUNDS THEREFOR FROM EMERGENCY FUND, AUTHORIZED.

Councilman Baxter stated that due to traffic congestion at two intersections, he moves that a traffic signal with trip attachment on the off traffic side be installed at Dilworth Road East and East Boulevard, and at the intersection of 35th Street and Caldwell Street, and that \$1,800.00 for each signal be transferred from the Emergency Fund for these purposes. The motion was seconded by Councilman Dellinger, and unanimously carried.

APPOINTMENT OF STANHOPE LINEBERRY TO VETERANS SERVICE COMMISSION.

Upon motion of Councilman Smith, seconded by Councilman Albea, and unanimously carried, Mr. Stanhope Lineberry was appointed to the Veterans Service Commission, to fill the vacancy created by the passing of Mr. J. M. Munday.

EASTER HOLIDAY GRANTED CITY EMPLOYEES ON MONDAY, APRIL 11, 1955.

Motion was made by Councilman Boyd, seconded by Councilman Baxter, and unanimously carried, granting a holiday to city employees on Monday, April 11th, in observance of Easter.

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ESTIMATE OF COST OF WIDENING AND INSTALLING CURB AND GUTTER IN 2600 BLOCK OF ROSWELL AVENUE AND FROM QUEENS ROAD TO THE 2600 BLOCK.

Councilman Brown presented a petition from residents of the 2600 block of Roswell Avenue requesting the widening of the street and the installation of curb and gutter. He moved that an estimate of the cost of the work be made, and also for the same work on Roswell Avenue from Queens Road to the 2600 block, all with the expense to be apportioned according to the regular procedure of the City. The motion was seconded by Councilman Baxter, and unanimously carried.

MAYOR VAN EVERY LEFT MEETING AND MAYOR PRO TEM PRESIDED FOR REMAINDER OF SESSION.

Mayor Van Every left the meeting at this time and Mayor pro tem Smith presided for the remainder of the session.

ORDINANCE NO. 259 AMENDING THE CITY CODE WITH RESPECT TO SPEED REGULATIONS.

An ordinance entitled: "Ordinance No. 259 Amending the City Code with Respect to Speed Regulations" was introduced and read. Upon motion of Councilman Dellinger, seconded by Councilman Baxter, the ordinance was unanimously adopted. The ordinance is recorded in full in Ordinance Book 11, at Page 417.

ORDINANCE NO. 260-X APPOINTING THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION AS THE ZONING COMMISSION FOR TERRITORY ADJACENT TO THE CITY OF CHARLOTTE.

An ordinance entitled: "Ordinance No. 260-X Appointing the Charlotte-Mecklenburg Planning Commission as the Zoning Commission for Territory Adjacent to the City of Charlotte, Described in Senate Bill 105 of the 1955 General Assembly of N. C." was introduced and read. Councilman Baxter moved the adoption of the ordinance, which was seconded by Councilman Dellinger, and unanimously carried. The ordinance is recorded in full in Ordinance Book 11, at Page 418.

TRANSFER OF FUNDS FROM EMERGENCY FUND TO SPECIAL APPROPRIATIONS FOR PAYMENT OF BOWLES, ANDREWS & TOWNE, ACTUARIES, FOR SERVICE IN CONNECTION WITH FIREMEN'S RETIREMENT SYSTEM.

Motion was made by Councilman Wilkinson, seconded by Councilman Brown, and unanimously carried, authorizing the transfer of \$1,282.12 from the Emergency Fund (Code 110) to Special Appropriations (Code 109 B-21) for payment to Bowles, Andrews & Towne, Actuaries, of the same amount for services in connection with the Charlotte Firemen's Retirement System.

TRANSFER OF FUNDS FROM VARIOUS ACCOUNTS FOR JOB CLASSIFICATION, SALARY ADJUSTMENTS AND EMPLOYMENT OF 18 PATROLMEN AND EQUIPMENT.

Upon motion of Councilman Brown, seconded by Councilman Wilkinson, and unanimously carried, the transfer of the following funds for job classification, salary adjustments and the employment of 18 patrolmen and equipment necessary for their use, was authorized:

- (a) From Emergency Fund (Code 110) to Special Appropriations (Code 109) JOB CLASSIFICATION & SALARY ADJUSTMENTS, \$77,907.46.
- (b) From Emergency Fund (Code 110) to POLICE DEPARTMENT (Code 401) (for salaries, Uniforms, Supplies) \$16,694.16
- (c) From Emergency Fund (Code 110) to POLICE DEPARTMENT (Capital Outlay Code 1401) (for revolvers, automobiles, sirens and lights) \$6,158.19.
- (d) From Special Appropriations (Code 109) JOB CLASSIFICATION & SALARY ADJUSTMENTS, to Various Departments & Divisions as listed in Schedules 1, 3 and 4, \$164,580.32.
- (e) From Water & Sewer Prior Year Surplus Account, to WATER ADMINISTRATION (Code 601) JOB CLASSIFICATION & SALARY ADJUSTMENTS, \$18,721.14.
- (f) From Water Administration (Code 601) JOB CLASSIFICATION & SALARY ADJUSTMENTS, to Various Departments & Divisions as listed in Schedules 2 and 5, \$33,548.32.

**CONSTRUCTION OF SANITARY SEWER MAINS APPROVED.**

Motion was made by Councilman Baxter, seconded by Councilman Wilkinson, and unanimously carried, authorizing the construction of new sanitary sewer mains at the following locations:

- (a) 3,645 ft. of sewer mains in Colonial Village, at request of John Crosland Co., at an estimated cost of \$10,220.00 to serve 55 vacant lots. All costs to be borne by the City. Applicant's deposit of the full amount to be refunded as per terms of the contract.
- (b) 1,970 ft. of sewer mains in Clanton Park, at request of John Crosland Co., at an estimated cost of \$6,170.00 to serve 51 vacant lots. All costs to be borne by the City. Applicant's deposit of the full amount to be refunded as per terms of the contract.
- (c) 3,107 ft. of sewer mains in Colonial Village, at request of John Crosland Company, at an estimated cost of \$7,220.00 to serve 37 vacant lots. All costs to be borne by the City. Applicant's deposit of the full amount to be refunded as per terms of the contract.
- (d) 1,890 ft. of sewer mains in Eastway Park, at request of Ervin Construction Company, at an estimated cost of \$10,460.00 to serve 68 vacant lots. All costs to be borne by the City. Applicant's deposit of the full amount to be refunded as per terms of the contract.

**CONSTRUCTION OF DRIVEWAY ENTRANCE AT 246 VICTORIA AVENUE.**

Councilman Albea moved approval of the construction of a 15-foot driveway entrance at 246 Victoria Avenue which was seconded by Councilman Baxter, and unanimously carried.

**SPECIAL OFFICER PERMIT AUTHORIZED TO FRANK N. HAAS ON PREMISES OF CITY CEMETERIES.**

Motion was made by Councilman Brown, seconded by Councilman Baxter, and unanimously carried, authorizing the issuance of a Special Officer Permit to Mr. Frank N. Haas, for use on the premises of the City's Cemeteries.

**TRANSFER OF CEMETERY LOTS.**

Upon motion of Councilman Wilkinson, 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 to Mrs. Bertha S. Brown for the southwest quarter of Lot 44, Map #43, Elmwood Cemetery, transferred from Mrs. W. B. Huntington, at \$1.00 for transfer deed.
- (b) Deed to Mrs. Bertha S. Brown for the southeast quarter of Lot 44, Map #43, Elmwood Cemetery, transferred from Mrs. W. B. Huntington, at \$1.00 for transfer deed.
- (c) Deed to Mrs. Robert Garnett for Perpetual Care on south half of Lot 120, Section S, Elmwood Cemetery, at \$100.00.

**TRANSFER OF FUNDS FROM EMERGENCY FUND TO POLICE DEPARTMENT TRAVEL ACCOUNT.**

Councilman Albea moved approval of the transfer of \$400.00 from The Emergency Fund (Code 110) to the Police Department, Travel Expenses (Code 401 B-44). The motion was seconded by Councilman Wilkinson, and unanimously carried.

SICK LEAVE EXTENSION GRANTED TO CAPTAIN R. F. BARKLEY, FIREMEN H. R. HENDERSON, E. W. RHYNE, B. W. SPAIN AND F. C. STONE.

Upon motion of Councilman Dellinger, seconded by Councilman Wilkinson, and unanimously carried, the extension of their sick leave was granted to Captain R. F. Barkley, Firemen H. R. Henderson, E. W. Rhyne, B. W. Spain and F. C. Stone, employees of the Charlotte Fire Department, as recommended by Chief Donald S. Charles.

RIGHT-OF-WAY AGREEMENT WITH OLD DOMINION BOX COMPANY FOR LAND FOR CONSTRUCTION OF WATER LINE FROM VEST STATION TO SOUTH TRYON STREET.

Motion was made by Councilman Wilkinson, seconded by Councilman Brown, and unanimously carried, approving a right-of-way agreement with the Old Dominion Box Company, for use of a strip of land 30-feet in width for a distance of 725.39 feet, for the construction of a 36-inch water line from Vest Station to South Tryon Street, for the sum of \$2,500.00.

RIGHT-OF-WAY AGREEMENT WITH HUGH W. WILKIN AND WIFE, AND JOHN T. MATTHEWS AND WIFE, FOR LAND FOR CONSTRUCTION OF WATER LINE FROM VEST STATION TO SOUTH TRYON STREET.

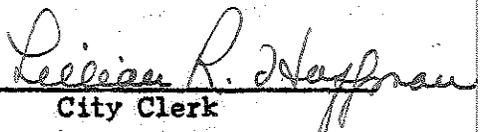
Upon motion of Councilman Albea, seconded by Councilman Dellinger, and unanimously carried, right-of-way agreement was authorized with Hugh W. Wilkin and wife, and John T. Matthews and wife, for the use of a strip of land 30-feet in width for a distance of 431.14 feet, for the construction of a 36-inch water line from Vest Station to South Tryon Street, for the sum of \$2,500.00.

CONSTRUCTION OF BUILDING, WATER LINE AND ROADWAY AT NEW LANDFILL SITE OFF BEATTY'S FORD ROAD AND THE TRANSFER OF FUNDS FROM EMERGENCY FUND AUTHORIZED.

Councilman Albea moved approval of the construction of a building with toilet facilities, a water line and roadway to the new landfill site off Beatty's Ford Road, at a total cost of \$6,000.00, and the transfer of said amount from the Emergency Fund for this purpose. The motion was seconded by Councilman Brown, and unanimously carried.

ADJOURNMENT,

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

  
City Clerk