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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber of the City Hall, on Wednesday, March 7, 1956, at 4 o'clock p.m., with Mayor Van Every presiding, and Council members Albea, Baxter, Dellinger, Evans and Wilkinson being present.

Absent: Councilmen Brown and Smith.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Wilkinson, seconded by Councilman Baxter, and unanimously carried, the Minutes of the last meeting on February 29th were approved as submitted.

HEARING CONTINUED TO MARCH 21ST ON ORDINANCE NO. 258 AMENDING THE ZONING ORDINANCE TO CHANGE THE ZONING FROM R-2 TO INDUSTRIAL ON TRACT OF LAND LOCATED OFF WEST TRADE STREET ALONG THE WESTERLY BORDER OF IRWIN CREEK.

At the hearing relative to an Ordinance Amending the Zoning Ordinance to change the zoning from R-2 to Industrial on a tract of land located off West Trade Street along the westerly border of Irwin Creek, Mr. J. A. Moore, Attorney representing E. C. Griffith Company, one of the petitioners, stated that since the matter was last before the Council, negotiations have taken place between Mr. Griffith and Mr. Jay Alexander, Attorney and his clients opposing the zoning change, and as a result the E. C. Griffith Company made a proposition that in the event the City Council were to rezone the area to Light Industrial, they would accede to dropping the rezoning of the property at the rear from Industrial to Light Industrial; he stated their petition asked that this property be rezoned from R-2 to Industrial. Mr. Moore stated that he has received a letter from Mr. Alexander in which he states his client has withdrawn his objections and he has, therefore, withdrawn from the case. Mr. Moore further stated that he did not know the attitude of the residents of the area whom Mr. Alexander did not represent, that he hopes they will feel that this concession is reasonable and acceptable. That if there is objections, it will take six votes to pass the ordinance.

Councilman Dellinger stated the Council has been laboring under the impression that we had a petition filed with us, signed by 20% of the adjoining property owners objecting to the requested change in zoning, however, the City Clerk states the petition was not filed with the City, which removes the necessity of six affirmative votes to pass the ordinance.

Mr. Moore stated that he is most anxious that once the matter is voted on and settled that it stay that way.

Mr. Aubrey Elliott, resident of the area, stated there was a petition circulated and he believes that more than 20% of the property owners signed it. That regardless of whether the area is zoned Light Industrial or Industrial it will be a setback to the residents, and the Light Industrial will probably be worse; that trucks will be going in and out all night, disturbing the peace and he objects to it.

Mayor Van Every stated that he felt the Council should carry out its promise to the residents that the matter would not be voted on until there was a full Council present.

Councilman Baxter moved that the hearing be continued for two weeks, which was seconded by Councilman Dellinger, and unanimously carried.

OFFER OF GIFT OF OAKLAWN CEMETERY TO CITY TAKEN UNDER CONSIDERATION.

Mr. Frank A. McCleneghan, a Trustee of the Oaklawn Mausoleum Association, appeared before Council representing Mrs. Adele Hendrix, owner of Oaklawn Cemetery. He advised that Mrs. Hendrix is 71 years of age and no longer able to operate the Cemetery, and she has authorized him to say that she is willing to make a gift of the Cemetery to the City, with the one condition that the City will use and maintain it for cemetery purposes. That in 1951 Mrs. Hendrix created a corporation known as Oaklawn Cemetery Corporation creating a perpetual benefit care fund and under the N. C. Statutes named Wachovia Bank and Trust Company as Trustees. That he has discussed the matter with them and finds they have on hand \$5,500.00 in Bonds and \$546.00 in cash in the Perpetual Care Fund. That this Fund will be included in the transfer of the property, and is included in the deed. Mr. McCleneghan stated he has talked with the City Attorney and he has approved a deed. He stated further that the property consists of 47 acres; that the plated area contains 3000 burials and there is in addition approximately 7000 vacancies.

Mayor Van Every asked what the perpetual care on the property would cost? Mr. McCleneghan stated he did not know. Councilwoman Evans then asked if he had figured the amount it takes to maintain the Cemetery? Mr. McCleneghan stated he has no figures on it.

Councilman Albea moved that the offer be taken under serious consideration and the Mayor and City Manager give the Council a report on these costs as soon as possible. The motion was seconded by Councilwoman Evans, and unanimously carried.

REQUEST OF H. S. STRAWN FOR REZONING OF LOT AT 216 BRUNS AVENUE TO BE HANDLED WHEN RECOMMENDATION RECEIVED FROM PLANNING COMMISSION.

Mr. H. S. Strawn requested the rezoning of a lot at 216 Bruns Avenue from R-2 to Light Industrial. He stated that the petition has been previously filed and recommended by the Zoning Board of Adjustment but was not authorized by Council due to objections of the residents, who were under the impression that a truck terminal would be erected on the property.

In the discussion it developed that Mr. Strawn has filed a petition for the requested rezoning with the present Planning Commission and they have recommended that it be done, and the matter will come before the Council next week. Councilwoman Evans moved that the petition be taken up at the next Council Meeting when it has been received from the Planning Commission. The motion was seconded by Councilman Albea, and unanimously carried.

ORDINANCE NO. 302 AMENDING AN ORDINANCE TO REGULATE, RESTRICT AND LIMIT IN THE INTEREST OF THE PUBLIC HEALTH AND SAFETY, THE DEPOSIT OF DISCHARGE OF CERTAIN SUBSTANCES INTO ANY SANITARY SEWER NOW MAINTAINED AND/OR OWNED BY OR WHICH MAY BECOME THE PROPERTY OF THE CITY OF CHARLOTTE.

Ordinance No. 302 Amending Ordinance No. 114 To Regulate, Restrict and Limit in the Interest of the Public Health and Safety, the Deposit of Discharge of Certain Substances into any Sanitary Sewer now Maintained and/or Owned by or which may become the property of the City of Charlotte, was introduced.

Mr. Henry Benoit, Manager of The Charlotte Laundry urged that the ordinance not be adopted, that the laundry business is not what it used to be and the double sewer surcharge provided for in the ordinance will put many laundries out of business. Mr. Benoit stated they have recently made a survey of the water used per day and the waste water discharged and based on their figures with the double sewer surcharge, they will be paying more for sewer service than for the water. He contended there has never been a place in the United States where a double surcharge was made. That the discharge from residences is doing ten times more damage to the sewers than all the laundries put together. That if the waste water from the Laundries was like that of industrial plants in the northern part of the city, it would be a different matter, but it is comparable to that of residences, without such things as chlorox added.

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Mayor Van Every stated the City does not want to charge any more than they have to, and are certainly not interested in hurting anyone. That the laundries have known for a long time what was coming up, and now the City has liberalized the ordinance and it cost the citizens a million dollars, and there must come a time where the interest of the citizens is protected. That they would not build the holding tanks and the City had to put on the double surcharge.

Councilwoman Evans stated it appears that Mr. Benoit thinks the City is unreasonable. She asked what he would suggest in lieu of what the City proposes. Mr. Benoit replied that they do not think they should pay any more than anyone else, that they have six disposal plants in Atlanta and do not charge the laundries one penny more.

Councilman Dellinger stated the Council has tried its best to work out some solution with the laundries and they are not agreeable to any suggestion, nor do they offer a solution.

Mr. J. R. Harris, Manager of Domestic Laundry, stated their waste is the same as that from homes, that when the waste reaches the Sewerage Plant it is the very same. That the laundries are a minority group and he is afraid the City is trying to persecute them.

Mayor Van Every stated the Council must protect the citizens of Charlotte who have put out the money for the plant.

Mr. C. C. Duncan, owner of New Way Laundry, stated he is going to sell out and get out of Charlotte; that he is sore and all he asks is that these laundries who are going to stay in Charlotte be treated fairly. That he came to Charlotte from Tennessee and invested his money and he wishes he had never come.

Mayor Van Every replied that Mr. Duncan was leaving a mighty good town.

Mr. Joe Fellows, Manager of Sno-White Laundry, stated he has been in Charlotte for 13 years and likes it. That today people are paying the same price of 16¢ to 20¢ for laundrying a shirt just as they did 10 years ago. That everything has gone up but laundry prices. That the double surcharge will cost more than they can possibly pay.

Mayor Van Every stated the City has done everything they know to do. That if these gentlemen have a better way to suggest, and the interest of the citizens can be protected, the City will be glad to look into it. In the meantime, he is asking that the ordinance be adopted, and if it is found it should be amended, then that can be done at any time.

Councilman Wilkinson moved the adoption of the ordinance, which was seconded by Councilwoman Evans, and unanimously carried. The ordinance is recorded in full in Ordinance Book 12, beginning at Page 23.

PLAT OF FOREST HEIGHTS SUBDIVISION APPROVED.

Councilman Dellinger moved approval of the Plat of Forest Heights Subdivision, as recommended by the Planning Commission. The motion was seconded by Councilman Wilkinson, and unanimously carried.

SALE OF BUILDING #238 AT AIRPORT TO OAKWOOD PARK ASSEMBLY OF GOD CHURCH.

Motion was made by Councilwoman Evans, seconded by Councilman Albee, and unanimously carried, authorizing the sale of Airport Building #238 to Oakwood Park Assembly of God Church, Gastonia, N. C., at \$150.00.

CONTRACTS FOR INSTALLATION OF WATER MAINS AUTHORIZED (1) A. V. BLANKENSHIP AND WIFE, (2) ERVIN CONSTRUCTION COMPANY.

Upon motion of Councilwoman Evans, seconded by Councilman Albea, and unanimously carried, contracts were authorized for the installation of water mains, as follows:

- (a) Contract with A. V. Blankenship and Wife, for the installation of 4,280 feet of water mains and 4 hydrants in Nations Ford Road and Judson Avenue (Commercial Park), outside the City limits, at an estimated cost of \$12,450.00. All costs to be borne by the applicant, who will own the mains until the territory is incorporated into the city.
- (b) Contract with Ervin Construction Company, for the installation of 515 feet of water mains in Pierson Drive and Independence Boulevard and Winfield Drive (Amity Gardens Subdivision), at an estimated cost of \$1,940.00. The City to finance all costs and applicant to guarantee a gross annual water revenue equal to 10% of the total cost.
- (c) Contract with Ervin Construction Company, for the installation of 8,890 feet of water mains and 5 hydrants in Pierson Drive and Independence Boulevard, outside the city, at an estimated cost of \$25,500.00. All costs to be borne by the applicant, who will own the mains until the territory is incorporated into the city.

CONSTRUCTION OF SANITARY SEWERS IN (1) MAGNOLIA AVENUE AND (2) TREMONT AVENUE.

Motion was made by Councilman Wilkinson, seconded by Councilman Dellinger, and unanimously carried, authorizing the construction of sanitary sewers, as follows:

- (a) Construction of 420 feet of sanitary sewer main in Magnolia Avenue, at request of Colonial Fixture Mfg. Company, at an estimated cost of \$960.00. All cost to be borne by the City.
- (b) Construction of 143 feet of sanitary sewer main in West Tremont Avenue, at request of Griffin Pie Company, at an estimated cost of \$410.00. All costs to be borne by the City.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

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

- (a) One 16-foot driveway entrance at 1523 East 4th Street.
- (b) One 22-ft., One 18.05 ft. and Two 30-ft. driveway entrances on West Griffith Street, at 405-411 West Griffith Street.

CONTRACT AWARDED CREECH MOTORCYCLE COMPANY FOR ONE MOTORCYCLE.

Councilwoman Evans moved that contract be awarded Creech Motorcycle Company for One Motorcycle with side car and radio, as specified, at a total net delivered price of \$2,171.70. The motion was seconded by Councilman Albea, and unanimously carried.

SALE OF TIMBER CUT ON LAND ADJACENT TO SOUTHERN RAILWAY CROSSLINE PROJECT TO R. L. DEAL LUMBER COMPANY.

Motion was made by Councilman Wilkinson, seconded by Councilman Dellinger, and unanimously carried, confirming the sale and removal of timber cut on the land adjacent to the Southern Railway Crossline Project, as specified, to R. L. Deal Lumber Company, Gastonia, N. C., for the total sum of \$1,660.00.

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CONTRACT AWARDED THE SEAGRAVE CORPORATION FOR THREE TRIPLE COMBINATION PUMPING ENGINES AND HOSE CAR.

Upon motion of Councilman Baxter, seconded by Councilman Wilkinson, and unanimously carried, contract was awarded The Seagrave Corporation for three 1,000 gallon per minute triple combination pumping engines and hose car with booster system and special equipment, as specified in Item I at a net delivered price of \$22,321.00, in Item II at a net delivered price of \$26,014.00 and in Item III at a net delivered price of \$25,385.00, being a total net delivered price of \$73,720.00.

RENEWAL OF SPECIAL OFFICER PERMIT TO THOMAS L. QUERY AND ISSUANCE OF PERMIT TO EDGAR L. JUHAN.

Councilman Baxter moved approval of the renewal of Special Officer Permit to Thomas L. Query on the premises of A & P Warehouse, 3034 Thrift Road, and the issuance of Permit to Edgar L. Juhan, Route #6 on the premises of Federal Reserve Bank. The motion was seconded by Councilman Dellinger, and unanimously carried.

TRANSFER OF CEMETERY LOTS.

Motion was made by Councilman Albea, seconded by Councilwoman Evans, and unanimously carried, authorizing the Mayor and City Clerk to execute deeds for the transfer of the following cemetery lots:

- (a) Deed with Thomas P. Lajoie, for Lot 82, in Section 2, Evergreen Cemetery, at \$320.00.
- (b) Deed with R. P. Covington, for Lot 323, Section 4-A, Evergreen Cemetery, at \$126.00.

PROCEDURE FOR HANDLING ZONING AMENDMENTS AMENDED.

Councilman Baxter moved that the motion adopted on February 1, 1956 relative to the Procedure for Handling Zoning Amendments, be amended to include Article (b) of Procedure #2, reading as follows: "(b) Have a brief discussion of the case when the hearing is over." Said amendment having been contained in the letter from the Planning Director, dated January 16, 1956, recommending the procedure. The motion was seconded by Councilwoman Evans, and unanimously carried.

RESOLUTION RELATIVE TO ENDORSING AND COMMENDING THE OBJECTIVES OF THE HOOVER COMMISSION.

A resolution entitled: "Resolution Relative to Endorsing and Commending the Objectives of the Hoover Commission" was introduced by Councilman Baxter, who moved its adoption. The motion was seconded by Councilman Dellinger, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 396.

RECREATIONAL COMMITTEE OF SOCIAL PLANNING COUNCIL, AND PANGBURN & ALLEN COMPANY THANKED FOR THE REPORT OF RECREATIONAL NEED FOR CHARLOTTE AND MECKLENBURG COUNTY.

Councilman Dellinger stated that some months ago this Council, the Mecklenburg County Commissioners and the Social Planning Council appropriated money to hire someone to make a survey of our recreational needs in the City of Charlotte and Mecklenburg County. This survey is now complete, and on last Friday, I, along with some of the people here, attended a meeting at the Y.W.C.A. and heard the highlights of the report. I personally think that this is a very fine report, and obviously a long-range one, which gives us a lot to think about. I do not care to discuss the merits or demerits of the proposed program, but would like to say that inasmuch as this committee had to deal with so many generalities and necessarily touched upon some groups attached to the City, and since they suggested that the Park and Recreation Commission of the City of Charlotte be disbanded and an overall commission be set up, I would like to point out

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that the present members of our Park & Recreation Commission are dedicated men and are doing a fine job with the money appropriated to them by a vote of the people, and that instead of disbanding the Park & Recreation Commission, I feel that it should be expanded and made countywide. He moved that the Committee, headed by Mr. Charles M. Lowe, and the Pangburn and Allen Company, be officially thanked by this Council for the fine report. The motion was seconded by Councilman Wilkinson, and unanimously carried.

Mayor Van Every stated they included something in the report he thinks is out of order in this respect; they stated in effect, that the Charlotte Park & Recreation Commission is inept, and he wants the citizens here to know that we are considered to have a fine recreational program in Charlotte and other cities look to our Commission for guidance. That these people from up north come to Charlotte and make a practice of finding fault with us.

PRIORITY OF STREETS TO BE IMPROVED WITH BOND FUNDS.

Councilman Wilkinson moved that the Council arrange our Bond Appropriation for Street Improvements in the following order due to the urgency of certain streets that will benefit the greatest number of people. Should conditions change, it may become necessary to change their numerical order:

X. Park Road	\$ 100,000
1. Washburn Avenue	25,000
2. Chipley Avenue	30,000
3. East Third Street	120,000
4. West Stonewall Street	95,000
5. Remount Avenue Bridge	50,000
6. South Cedar Street	60,000
7. East 11th Street	160,000
8. Kensington Drive	15,000
8A. Mint Street (Track)	28,000
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	\$ 683,000
9. Kings Drive	50,000
10. Morningside Drive	47,000
11. Roswell Avenue	19,000
12. McDonald Avenue	53,000
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	\$ 852,000

The motion was seconded by Councilwoman Evans, and unanimously carried.

CITY MANAGER CONGRATULATED ON SECURING AN A-I AIRPORT MANAGER.

Councilman Albea congratulated the City Manager on having secured an A-I Manager for Douglas Municipal Airport.

ADJOURNMENT.

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

Lillian R. Hoffman

Lillian R. Hoffman, City Clerk