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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 16, 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.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Smith, seconded by Councilman Albea, and unanimously carried, the Minutes of the last meeting on March 9th were approved as submitted.

ORDINANCE NO. 248 AMENDING THE ZONING ORDINANCE TO INCLUDE "KINDERGARTENS, DAY NURSERIES" IN RESIDENCE-1 DISTRICTS.

The scheduled hearing was held in connection with Ordinance No. 248 Amending the Zoning Ordinance to include "Kindergartens, day nurseries" in the structures permitted in Residence-1 districts. No objections to the adoption of the ordinance were expressed by the public. Councilman Dellinger moved the adoption of the ordinance, which was seconded by Councilman Baxter, and unanimously carried. The ordinance is recorded in full in Ordinance Book 11, at Page 401.

ORDINANCE NO. 251 AMENDING THE ZONING ORDINANCE, CHANGING MAP FROM R-2 TO B-1 ON VACANT LOT NEAR NORTHWEST CORNER OF REMOUNT AND WILMOUNT ROADS.

At the scheduled hearing in connection with Ordinance No. 251 Amending the Zoning Ordinance to change the Building Zone Map from R-2 to B-1 on a vacant lot 100-ft. from the northwest corner of Remount and Wilmount Roads, no opposition to the proposal was expressed. Councilman Smith moved the adoption of the ordinance, which was seconded by Councilman Wilkinson, and unanimously carried. The ordinance is recorded in full in Ordinance Book 11, at Page 402.

ORDINANCE NO. 252 AMENDING THE ZONING ORDINANCE, CHANGING MAP FROM R-2 TO B-1 ON ALL OF BLOCK 6 OF STATESVILLE AVENUE.

At the scheduled hearing in connection with Ordinance No. 252 Amending the Zoning Ordinance to change the Building Zone Map from R-2 to B-1 on Statesville Avenue, Mr. Marvin Ritch, Attorney, spoke in behalf of the petitioners, Mr. and Mrs. Richard A. Carter. He stated they were badly in need of realizing some income from this property through a business enterprise; that there is a truck yard nearby, which eliminates the contention that the property is strictly residential; that the Zoning Board posted their usual notice on the premises that a change in zoning had been requested, and that no one appeared at the hearing before the Board in opposition to the change. Councilman Smith stated he had looked at the property and favors the change. Councilman Dellinger moved the adoption of the ordinance, which was seconded by Councilman Smith, and unanimously carried. The ordinance is recorded in full in Ordinance Book 11, at Page 403.

SITE AT MUNICIPAL AIRPORT APPROVED FOR CANNON AIRCRAFT SALES & SERVICES, INC. AND LEASE AUTHORIZED PREPARED.

Mr. Irwin Boyle, Attorney for Cannon Aircraft Sales & Services, Inc. requested approval of the lease of a site located off the southerly end of runway #36 and to the east thereof at Municipal Airport, which he advised has the approval of the City Manager and the Airport Advisory Committee, and is a different location than the one near the new terminal which was previously requested leased to them.

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Councilman Baxter presented the following resolution, and after its reading he moved its adoption, which was seconded by Councilman Smith:

"RESOLUTION RELATIVE TO APPROVING  
SITE FOR CANNON AIRCRAFT SALES AND  
SERVICE, INC. AT MUNICIPAL AIRPORT.

BE IT RESOLVED BY THE CITY COUNCIL OF THE City of Charlotte That it hereby approves as a site for Cannon Aircraft Sales and Servicing the location off the southerly end of runway 36 and to the east thereof, same being approximately 400 feet frontage and 500 feet deep, and request that lease be prepared for its consideration. "

Mayor Van Every addressed Mr. Boyle and Mr. John Cunningham, head of the Cannon Company, and stated that he does not oppose this proposal, but he thinks the City should have a flexible Master Plan for the Airport and a lease arrangement for the good of both the lessee and the City. That about two years ago the City had to purchase around \$2,250,000.00 in buildings at the Airport because of an unfortunate lease arrangement, and this should be avoided in the future through the proper lease arrangement.

The vote was then taken on the motion, and the resolution was unanimously adopted.

Councilman Baxter stated to the Mayor that according to his wishes and those of the Chamber of Commerce, the Council has at this time under advisement exactly what the Mayor has outlined, a Master Plan for the Airport, in order to conform with the Mayor's wishes.

HEARING IN REQUESTED CHANGE IN ZONING ON VACANT LOT A NORTHWEST CORNER OF 34TH STREET AND THE PLAZA DENIED.

Mr. John Marrer, 3115 The Plaza, stated that on March 8th, the Zoning Board of Adjustment approved the request of Mr. Barron Phillips for a change in zoning from Residence-2 to Business-1 on a vacant lot at the northwest corner of 34th Street and The Plaza, which is before the Council today for a hearing. That Mr. Phillips is not the owner of the property, that it is owned by Mr. Joe P. Heaton and wife and the transfer of the deed to the lot from Mr. Phillips to Mr. Heaton is recorded in the office of the Register of Deeds in Book 1727 at Page 356. That as the petitioner for the zoning change is not the owner of the property, he requests that the proposal be dismissed.

Mr. John D. Shaw, City Attorney, advised the Council that if the person who petitions for a change in zoning is not the owner, then the petition is not valid.

Councilman Boyd moved that no further action be taken by the Council and no hearing on the recommended change be held. The motion was seconded by Councilman Dellinger, and unanimously carried.

RESOLUTION AMENDING JOB CLASSIFICATION SO AS TO INCLUDE HEALTH DEPARTMENT.

A resolution entitled: "Resolution Amending Job Classification So As To Include Health Department" was introduced by Councilman Brown, who moved its adoption following the reading thereof. The motion was seconded by Councilman Albea, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 279.

OBJECTIONS EXPRESSED BY COUNCILMEN TO THE CHARLOTTE NEWS ARTICLE ON MARCH 15TH RELATIVE TO CITY TAX RATE.

Councilman Boyd expressed objections to an article in The Charlotte News on yesterday, and in particular to the headline which was: "Plants Threaten To Leave Because of City Tax Rate". He stated he felt the Council should be greatly concerned over this unfair and unjustified criticism of the City's tax rate, as worded in the headline, as it is misleading, and on behalf of the Council and the Administration he objects to it. He asked

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Mr. Yancey, City Manager, if he knew of any bona fide firms who wanted to locate in Charlotte and were unable to secure proper water facilities. Mr. Yancey replied that he knew of none within the past eight years and he knew of many plants such as the Ford Plant, Shell Loading Plant and Celanese Corp. whose needs were supplied. He stated further that the City is ready to give the utmost in cooperation to both new and old industries.

Councilman Boyd stated it appears to him that the newspaper article is unfair and unwise and bad publicity for the City of Charlotte. That he thinks the City should make some provisions quickly for extending water lines outside the city. Mr. Yancey stated that a part of the Water Bonds to be voted on in the May 3rd election will be available for that purpose.

Councilman Boyd stated that he checked the tax rate with the City Treasurer, which shows the rate for 1954 as \$1.65, for 1953 as \$1.48, for 1952 as \$1.55, for 1951 as \$2.15; that in his opinion the tax rate is on a solid basis considering what the City has had to do, and compares favorably with cities of like size.

Councilman Brown asked Mr. Golden, The Charlotte Observer Reporter, to look into the matter of taxes as to whether comparable services are supplied by other cities that show a lower tax rate and whether they do not have sales and payroll and similar taxes, and bring this information to the citizens attention.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON APRIL 6, 1955 ON ORDINANCE NO. 253 TO AMEND THE ZONING ORDINANCE FROM R-2 TO B-1 ON TWO TRACTS OF LAND LOCATED SOUTH AND NORTH OF WEST 5TH STREET, BETWEEN IRWIN CREEK AND ANDRILL TERRACE.

Ordinance No. 253 Amending the Zoning Ordinance to change the Building Zone Map from R-2 to B-1 on .83 and 1.45 acres of land located south and north of West 5th Street, between Irwin Creek and Andrill Terrace was introduced. Following the reading thereof, Resolution Providing for a Public Hearing on the Amendment on April 6, 1955, was presented and read. Councilman Albea moved the adoption of the resolution, which was seconded by Councilman Wilkinson, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 280.

RESOLUTION PROVIDING FOR PUBLIC HDARING ON APRIL 6, 1955 ON ORDINANCE NO. 255 TO AMEND ZONING ORDINANCE FROM R-2 TO B-1 ON PROPERTY AT 117 SOUTH CECIL STREET.

Ordinance No. 255 Amending the Zoning Ordinance to change the Building Zone Map from R-2 to B-1 on property at 117 South Cecil Street, was introduced. Following the reading thereof, Resolution Providing for a Public Hearing on the Amendment on April 6, 1955, was presented and read. Councilman Dellinger moved the adoption of the resolution, which was seconded by Councilman Albea, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 281.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON APRIL 6, 1955 ON ORDINANCE NO. 256 TO AMEND ZONING ORDINANCE FROM R-1 TO R-2 ON TRACT OF LAND ON WESTERLY MARGIN OF GLOBE COURT.

Ordinance No. 256 Amending the Zoning Ordinance to change the Building Zone Map from R-1 to R-2 on tract of land on the westerly margin of Globe Court, was introduced. Following the reading thereof, Resolution Providing for a Public Hearing on April 6, 1955 on the Amendment, was presented and read. Councilman Albea moved the adoption of the resolution, which was seconded by Councilman Dellinger, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 282.

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RESOLUTION PROVIDING FOR PUBLIC HEARING ON APRIL 6, 1955 ON ORDINANCE NO. 257 TO AMEND ZONING ORDINANCE FROM R-1 TO B-1 ON TRACT OF LAND ON EASTERLY MARGIN OF GLOBE COURT.

Ordinance No. 257 Amending the Zoning Ordinance to change the Building Zone Map from R-1 to B-1 on tract of land on the easterly margin of Globe Court, was introduced. Following the reading thereof, a Resolution Providing for a Public Hearing on April 6, 1955 on the Amendment, was presented and read. Councilman Albea moved the adoption of the resolution, which was seconded by Councilman Dellinger, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 283.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON APRIL 6, 1955 ON ORDINANCE NO. 258 TO AMEND ZONING ORDINANCE FROM R-2 TO INDUSTRIAL ON VAGANT PROPERTY OFF WEST TRADE STREET, ALONG WESTERLY BORDER OF IRWIN CREEK AND RIGHT-OF-WAY OF P & N RAILWAY COMPANY.

Ordinance No. 258 Amending the Zoning Ordinance to change the Building Zone Map from R-2 to Industrial on vacant property off of West Trade Street, along the westerly border of Irwin Creek and the right-of-way of the P & N Railway Company, was introduced. Following the reading thereof, Resolution Providing for a Public Hearing on April 6, 1955 on the Amendment, was presented and read. Councilman Albea moved the adoption of the resolution, which was seconded by Councilman Baxter, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 284.

CONTRACT WITH JOHN CROSLAND COMPANY FOR INSTALLATION OF WATER MAINS IN CLANTON PARK APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Dellinger, and unanimously carried, a contract was authorized with John Crosland Company for the installation of 16,290 feet of water mains and 13 fire hydrants in Clanton Park, to serve residential property, at an estimated cost of \$41,500.00. All costs to be financed by the City and Applicant to guarantee a gross annual water revenue equal to 10% of the cost.

CONTRACT AWARDED BLYTHE BROS. COMPANY FOR CONSTRUCTION OF SANITARY SEWERS IN STATESVILLE AVENUE TERRACE.

Councilman Albea moved that contract be awarded the low bidder, Blythe Bros. Company, for the construction of sanitary sewers in the Statesville Avenue Terrace Project, all as specified, on a unit price basis, representing a total price of \$11,952.40. The motion was seconded by Councilman Brown, and unanimously carried.

McARN & GWYNN COMPANY AUTHORIZED TO CONNECT PRIVATELY OWNED SANITARY SEWER LINES TO THE CITY'S SANITARY SEWERAGE SYSTEM.

Motion was made by Councilman Wilkinson, seconded by Councilman Smith, and unanimously carried, authorizing the connection of 935-feet of their privately owned sanitary sewer lines to the City's Sanitary Sewerage System, upon the condition that they comply with all laws, rules and regulations now in effect, or which may hereafter become effective relative to property similarly situated.

CONTRACT AWARDED AUTOMATIC SIGNAL DIVISION, EASTERN INDUSTRIES, INC. FOR TRAFFIC CONTROLLER.

Upon motion of Councilman Albea, seconded by Councilman Smith, and unanimously carried, contract was awarded the Automatic Signal Division, Eastern Industries, Inc., for One 3-traffic phase full traffic actuated volume density Controller in Type "L" Cabinet, 30" high, 17-7/8" wide, 13" deep, wood pole mounting, as specified, at a net delivered price of \$1,598.00.

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CONSIDERATION OF CONTRACT FOR REPLACEMENT OF HEATING EQUIPMENT AT CITY GARAGE DEFERRED FOR THREE WEEKS.

Councilman Dellinger moved that consideration of the award of contract for the replacement of the heating equipment at the City Garage be deferred for three weeks. The motion was seconded by Councilman Brown, and unanimously carried.

CONTRACT AWARDED CONCRETE PRODUCTS COMPANY FOR CONCRETE METER BOXES.

Upon motion of Councilman Albea, seconded by Councilman Wilkinson, and unanimously carried, contract was awarded Concrete Products Company for 1,000 concrete Meter Boxes with covers, City of Charlotte standard pattern, as specified, on a unit price basis of \$4.40 each, representing a total price of \$4,400.00, subject to 1% cash discount.

CONTRACT AWARDED YOUNG MOTOR COMPANY FOR FIVE AUTOMOBILES FOR POLICE DEPARTMENT.

Motion was made by Councilman Brown, seconded by Councilman Albea, and unanimously carried, awarding contract to Young Motor Company for five automobiles for the Police Department, as specified, at a unit price of \$1,533.09, representing a total of \$7,665.45, less trade-in allowance on two old cars, representing a net exchange delivered price of \$6,790.45.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

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

- (a) Two 35-ft. driveways at 1901-1921 Freedom Drive.
- (b) Two 35-ft. driveways on South Boulevard and One 35-ft. one on Shuman Avenue, all for 2522 South Boulevard.
- (c) One 15-ft. driveway at 1200 Biltmore Drive.
- (d) One 20-ft. driveway on Thomas Avenue and One 20-ft. one on Commonwealth Avenue, both for 1200 Thomas Avenue.

LEASE OF BUILDINGS AT DOUGLAS MUNICIPAL AIRPORT REPORTED CONCLUDED.

The City Manager reported that the lease of the following buildings at Douglas Municipal Airport has been concluded:

BUILDING NO.	LESSEE	MONTHLY RENTAL	DATE & TERM OF LEASE
100	Canada Dry Gingerale Co.	\$20.00	3-1-55 to 2-28-56 renewal
287	Bassett & Wingate	\$21.00	3-1-55 to 2-28-56 renewal

CEMETERY DEEDS.

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

- (a) Deed with Mr. and Mrs. L. C. Burwell for south half of Lot #66, in Section C, Elmwood Cemetery, transferred from Henry M. McAden - at \$1.00 for transfer.
- (b) Deed with Mr. Henry M. McAden, for the remaining north half of Lot #66, in Section C, Elmwood Cemetery, at \$1.00 for new deed.

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CHANGE ORDER NO. 3 IN CONTRACT WITH V. B. HIGGINS COMPANY FOR SUGAW CREEK SEWAGE TREATMENT PLANT CONSTRUCTION APPROVED.

The City Manager advised that J. N. Pease & Company, Engineers, Mr. Franklin, Supt. Water Department and he recommended approval of Change Order No. 3 in Contract No. 5, Division "F" with V. B. Higgins Company for the construction of Sugaw Creek Sewage Treatment Plant in the amount of \$6,680.00, representing \$7,480.00 to provide seeding over the seeding area shown on the Planting Drawing, less \$800.00 representing the omission of work for demolition of the Existing Gas Holder. Councilman Wilkinson moved that the Change Order be approved, which was seconded by Councilman Brown, and carried, with the votes cast as follows:

YEAS: Councilmen Albea, Baxter, Brown, Smith and Wilkinson.

NAYS: Councilmen Boyd and Dellinger.

CONSTRUCTION OF SANITARY SEWER IN MERRIMAN AVENUE APPROVED.

Motion was made by Councilman Albea, seconded by Councilman Wilkinson, and unanimously carried, authorizing the construction of 100-ft. of 8-inch sanitary sewer main in Merriman Avenue, at an estimated cost of \$380.00, to be borne by the City.

ADJOURNMENT.

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

*Rebecca R. Wrayman*  
City Clerk