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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, November 14, 1956, at 4 o'clock p.m., with Mayor Van Every presiding, and Council members Albea, Brown, Dellinger, Evans and Wilkinson being present.

ABSENT: Council members Baxter and Smith.

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Brown, seconded by Councilman Wilkinson, and unanimously carried, the Minutes of the last meeting on November 7th were approved as submitted.

REQUESTED SECOND HEARING IN CONNECTION WITH CHANGE IN ZONING FROM R-2 TO B I-A OF 2500 BLOCK OF NORTH INDEPENDENCE BOULEVARD GRANTED AND CITY ATTORNEY DIRECTED TO PREPARE NECESSARY PAPERS.

Mrs. Stewart Martin, Jr., 2509 North Independence Boulevard appeared before Council and requested that their petition for a change in zoning of the 2500 block of North Independence Boulevard, from R-2 to B I-A, be heard again, as it was denied on April 11, 1956. She stated there have been decided changes in conditions within the area which justified another hearing from a humane standpoint, if no other. Mrs. Martin stated they have another petition to present, which has been signed by a large number of residents of the area, and she does not believe the school authorities will now object to the requested rezoning. She stated further that the request for another hearing has been taken to the Planning Board, and was denied.

Mr. John Shaw, City Attorney, stated that the Planning Board's policy is that a second hearing is not warranted unless there have been changes in the circumstances since the first hearing, and in this case they do not feel there have been any changes.

Councilman Dellinger stated that since the City Council has the final decision in zoning matters that the request should be granted, and he moved that the City Attorney and City Manager set up the proper machinery for a second hearing on the question. The motion was seconded by Councilwoman Evans, and unanimously carried.

ACTION ON NOVEMBER 7TH AWARDED CONTRACT FOR AIR COMPRESSOR TO A. E. FINLEY AND ASSOCIATES RESCINDED, AND CONTRACT AWARDED SPARTAN EQUIPMENT COMPANY.

Mr. Joseph W. Grier, Attorney representing Spartan Equipment Company, Charlotte, N. C., appeared before Council and requested reconsideration of the award of contract for an air compressor to the A. E. Finley Company at the Council Meeting on November 7th. Mr. Grier stated that the low bid of the A. E. Finley Company does not meet the specifications, and the purchase of their equipment was not recommended by the using department. He stated he felt that a bid must meet the specifications to be a lawful bid, and the City Council should not substitute its judgment as to the importance of equipment for that of experts who draw the specifications. Mr. Grier stated that the specifications called for "units to be equipped with a clutch between the compressor and engine to disengage the motor from the compressor; the clutch shall be actuated by a hydraulic pump"; also, "the running gear shall have a third semi-pneumatic tire", and that the bid of A. E. Finley Company did not include these two requirements.

Mr. Grier stated further that it is his understanding that all bids of the City stand open for 30 days and that this contract has not been signed. Therefore, he requests that the matter be reconsidered and the contract be awarded to Spartan Equipment Company, the second-low bidder, whose bid price exceeds that of the low bid by only \$56.00, and which meets the specifications.

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The City Attorney, after consulting with the Purchasing Agent, stated that the bid of A. E. Finley and Associates does not include the third semi-pneumatic tire nor that the units will be equipped with a clutch between the compressor and engine to disengage the motor from the compressor. Therefore, he will have to say that the low bid does not meet the specifications.

Councilman Brown called attention to his negative vote on November 7th on awarding the contract to the low bidder, and he moved that the action in making the award of the contract to A. E. Finley and Associates be rescinded, and that the contract be awarded The Spartan Equipment Company of Charlotte for two Worthington Air Compressors, as specified, at a total net delivered price of \$4,160.00. The motion was seconded by Councilwoman Evans, and unanimously carried.

Councilmen Dellinger and Wilkinson stated that all of the information that has been given today should have been brought out last week, and asked that in the future they be fully informed of such conditions.

ORDINANCE NO. 350-X CALLING A PUBLIC HEARING WITH RESPECT TO ZONING AREAS ANNEXED TO THE CITY OF CHARLOTTE SINCE JANUARY 1, 1949 AND NOW PROPOSED TO BE ZONED FOR THE FIRST TIME.

An ordinance entitled: "Ordinance No. 350-X Calling a Public Hearing With Respect to Zoning Areas Annexed to the City of Charlotte Since January 1, 1949 and Now Proposed to be Zoned for the First Time" was introduced by Councilman Wilkinson, who moved its adoption, fixing the date of hearing on December 5, 1956. The motion was seconded by Councilman Dellinger, and unanimously carried. The ordinance is recorded in full in Ordinance Book 12, at Pages 91-92.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON DECEMBER 12TH ON ORDINANCE NO. 351 AMENDING THE ZONING ORDINANCE TO AMEND THE BUILDING ZONE MAP OF THE CITY OF CHARLOTTE BY CHANGING ZONING ON PROPERTY AT THE SOUTHEASTERLY CORNER OF COMMONWEALTH AVENUE AND THE PLAZA, FROM R-2 TO B-1.

Ordinance No. 351 Amending the Zoning Ordinance to amend the Building Zone Map of the City of Charlotte, by changing the zoning on property at the southeasterly corner of Commonwealth Avenue and The Plaza from R-2 to B-1 on petition of Mr. J. G. McLaughlin and wife, was introduced and read. A Resolution Providing for a Public Hearing on December 12th on the Proposed Amendment to the Zoning Ordinance, was presented and read. Councilman Wilkinson 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 497.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON DECEMBER 12TH ON ORDINANCE NO. 352 AMENDING THE ZONING ORDINANCE TO AMEND THE BUILDING ZONE MAP OF THE CITY OF CHARLOTTE BY CHANGING ZONING ON PROPERTY AT THE EXTREME END OF SHENANDOAH AVENUE ADJACENT TO THE SHOPPING CENTER, FROM R-1 TO B-1.

Ordinance No. 352 Amending the Zoning Ordinance to amend the Building Zone Map of the City of Charlotte, by changing the zoning on property at the extreme end of Shenandoah Avenue adjacent to the shopping center from R-1 to B-1, on petition of Mr. W. M. Butler, was introduced and read. A Resolution Providing for a Public Hearing on December 12th on the Proposed Amendment to the Zoning Ordinance, was presented and read. Councilman Wilkinson 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 498.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON DECEMBER 12TH ON ORDINANCE NO. 353 AMENDING THE ZONING ORDINANCE TO AMEND THE BUILDING ZONE MAP OF THE CITY OF CHARLOTTE BY CHANGING ZONING ON PROPERTY AT HUTCHISON AVENUE AND KESWICK AVENUE, FROM R-2 TO INDUSTRIAL.

Ordinance No. 353 Amending the Zoning Ordinance to amend the Building Zone Map of the City of Charlotte, by changing the zoning on property at Hutchison Avenue and Keswick Avenue from R-2 to Industrial, on petition of Electrical Contracting & Engineering Company, Inc., was introduced and read.

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A Resolution Providing for a Public Hearing on December 12th on the Proposed Amendment to the Zoning Ordinance, was presented and read. Councilman Wilkinson 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 499.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON DECEMBER 12TH ON ORDINANCE NO. 356 AMENDING THE ZONING ORDINANCE TO AMEND THE BUILDING ZONE MAP OF THE CHARLOTTE PERIMETER AREA BY CHANGING ZONING ON PROPERTY ON PARK ROAD AT INTERSECTION OF REECE ROAD FROM R-2 TO B-1 ON APPEAL OF R. L. MCGINN ET AL FROM DECISION OF PLANNING BOARD DENYING PETITION.

Ordinance No. 356 Amending the Zoning Ordinance to amend the Building Zone Map of the Charlotte Perimeter Area by changing zoning on property on Park Road at intersection of Reece Road from R-2 to B-1 on appeal of R. L. McGinn et al from decision of Planning Board denying petition, was introduced and read. A Resolution Providing for a Public Hearing on December 12th on the Proposed Amendment to the Zoning Ordinance, was presented and read. Councilman Wilkinson 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 500.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON DECEMBER 12TH ON ORDINANCE NO. 354 AMENDING THE ZONING ORDINANCE TO AMEND THE BUILDING ZONE MAP OF THE CHARLOTTE PERIMETER AREA BY CHANGING ZONING ON PROPERTY ON ROZZELLS FERRY ROAD AND CAROTHERS ALLEY, FROM R-2 TO INDUSTRIAL.

Ordinance No. 354 Amending the Zoning Ordinance to amend the Building Zone Map of the Charlotte Perimeter Area by changing the zoning on property on Rozzells Ferry Road and Carothers Alley from R-2 to Industrial, on petition of Helen Irby Threadgill, Buster Wallace and Allen Wallace, was introduced and read. A Resolution Providing for a Public Hearing on December 12th on the Proposed Amendment to the Zoning Ordinance, was presented and read. Councilman Wilkinson moved the adoption of the resolution, which was seconded by Councilman Dellinger and unanimously carried. The resolution is recorded in full in Resolutions Book 3, at Pages 1-2.

CONSTRUCTION OF SANITARY SEWER MAINS IN MCDONALD AVENUE AND PARK ROAD, APPROVED.

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

- (a) Construction of 280 feet of sewer trunk in McDonald Avenue, at request of City Engineer, to serve portion of property in McDonald Avenue, at an estimated cost of \$1,586.86. All costs to be borne by City.
- (b) Construction of 1,190 feet of sanitary sewer main in Park Road, at request of City Engineer, to serve portion of property in Park Road at an estimated cost of \$2,335.00. All costs to be borne by the City.

TRANSFER OF CEMETERY LOT.

Councilman Albea moved that the Mayor and City Clerk be authorized to execute a deed with Mrs. Genevieve Hoole, for the transfer of Lot 149, Section 4-A, Evergreen Cemetery, at \$126.00. The motion was seconded by Councilwoman Evans, and unanimously carried.

PURCHASE OF PROPERTY FROM W. PRESSLEY KIRKPATRICK AND WIFE IN SHARON TOWNSHIP ON WHICH ELEVATED WATER TANK WILL BE ERECTED.

Upon motion of Councilman Albea, seconded by Councilman Brown, and unanimously carried, the purchase of 11.84 acres of land in Sharon Township was authorized from Mr. W. Pressley Kirkpatrick and wife, Myrtle H. Kirkpatrick, for the sum of \$47,360.00, on which to erect an elevated water tank.

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PURCHASE OF PROPERTY FROM LOUIS B. VREELAND AND WIFE FOR USE IN RELOCATION OF CRESCENT AVENUE EXTENSION AND OLD SARDIS ROAD.

Councilman Albea moved approval of the purchase of strip of land from Mr. Louis B. Vreeland and wife, Lila M. Vreeland, for the sum of \$1,700.00, for use in the relocation of Crescent Avenue Extension and Old Sardis Road. The motion was seconded by Councilman Brown, and unanimously carried.

PURCHASE OF PROPERTY FROM WESTMINSTER PRESBYTERIAN CHURCH FOR USE IN RELOCATION OF CRESCENT AVENUE EXTENSION AND OLD SARDIS ROAD.

Motion was made by Councilman Brown, seconded by Councilman Albea, and unanimously carried, authorizing the purchase of a strip of land seven and one-half feet wide from Westminster Presbyterian Church, for the sum of \$3,750.00, for use in the relocation of Crescent Avenue Extension and Old Sardis Road.

PURCHASE OF PROPERTY FROM HEIRS TO PALMER ESTATE FOR USE FOR DOWN-RAMP FROM SOUTH INDEPENDENCE BOULEVARD TO PALMER STREET.

Upon motion of Councilman Dellinger, seconded by Councilman Brown, and unanimously carried, the purchase of property was authorized from Miss Adele C. Palmer, Miss Margaret Palmer, R. J. Palmer, Mrs. Mary W. Kane, Mrs. Sarah W. Dalton and Mr. J. B. Wendenfeller, heirs to the Palmer Estate, for the sum of \$8,500.00, for use for a down-ramp from South Independence Boulevard to Palmer Street.

EMPLOYMENT OF ADDITIONAL PERSONNEL IN TRAFFIC ENGINEERING DEPARTMENT AUTHORIZED.

Councilman Wilkinson moved approval of the employment of two additional men in the Traffic Engineering Department at salaries of \$212.00 per month. The motion was seconded by Councilman Dellinger, and unanimously carried.

INSTALLATION OF TRAFFIC SIGNALS AT POINDEXTER DRIVE AND PARK ROAD, AND AT AVONDALE AVENUE AND IDEAL WAY, AND TRANSFER OF FUNDS FROM EMERGENCY FUND.

Motion was made by Councilman Brown, seconded by Councilman Dellinger, and unanimously carried, authorizing the installation of traffic signals at Poindexter Drive and Park Road, and at Avondale Avenue and Ideal Way, and the transfer of \$4,100.00 from the Emergency Fund (Code 110) to Traffic Engineering Department (Code 1518 G-47) to cover the said installations.

ADJOURNMENT.

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

*Lillian R. Hoffman*  
Lillian R. Hoffman, City Clerk