

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, June 11, 1958, at 10 o'clock a.m., with Mayor Smith presiding, and Council members Albea, Baxter, Brown, Dellinger and Wilkinson being present.

ABSENT: Council members Evans and Foard.

Hearings on petitions to amend the Zoning Ordinances to change the Building Zone Map of Charlotte and the Charlotte Perimeter Area were held jointly by the City Council and the Charlotte-Mecklenburg Planning Commission, with Commissioners Craig, Marsh, Schwartz, Sibley, Toy and Wilkinson being present.

ABSENT: Commissioners Martin, Chairman, Hanks, Hook and McClure.

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 June 4th were approved as submitted.

HEARING ON ORDINANCE NO. 460 AMENDING CHAPTER 21, ARTICLE 1, SECTION 2 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING THE PROPERTY WEST OF GLENWOOD DRIVE, NEAR PLAINVIEW ROAD, FROM R-2 TO INDUSTRIAL, ON PETITION OF THE P & N RAILWAY COMPANY.

The public hearing was held on Ordinance No. 460 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte by changing property west of Glenwood Drive, near Plainview Road, from R-2 to Industrial.

Mr. McIntyre, Planning Director, stated that the property contains 1.8 acres, is adjoined by R-2 districts on all sides but one; that an Industrial district extends westerly to the boundary of the property in question.

Mr. John Hicks, Attorney representing the petitioner, stated they are not asking for spot zoning but merely the extension of their area presently zoned industrial. That they wish to show the Council that the surrounding neighborhood will not be injured at all by the change in zoning. That the rezoning of the adjacent property in 1952 has brought benefits to Charlotte in providing sites for new business. That Charlotte badly needs new, good Industrial sites, that the large amount of property around Charlotte zoned Industrially is in fact unsuitable for industry as it has no railroad sidings, is in low swampy lands or is adjoined by well developed residential areas. That the day has passed when plants build up to the curb line, as they now must provide parking for employees cars. That their adjacent property now zoned industrially can only provide for two or three railroad cars, while today the minimum need is for five or six railroad cars. That they have two firms who are interested in building on the property, but their building plans will not fit on the lot, but if the adjoining area is rezoned, the two buildings will fit on the property. As to the injury to the neighborhood, they will still be 120 feet from Emerson Drive, with a wooded area which would provide a screen

between the residents of Emerson Drive and the Industrial development. That when the larger area was rezoned in 1952 not one person in the area objected.

Mr Faison Barnes and Mr. Leon Olive, Attorneys, representing residents of the area objecting to the change in zoning, presented petitions which Mr. Barnes stated were signed by the 356 resident. He stated further that in 1952 the Council rezoned the 45 acre tract of land for the P & N. Railway Company that adjoins the property in question today, thus creating an industrial district in a residential area. That not one of the property owners in the area knew anything about it until it was rezoned, had they known they would have registered vigorous objections.

That it was a mistake for the City to encroach upon this nice residential area, and there is no excuse for making another mistake by increasing the industrial zone. That consideration should be given the use they have made of that industrial zone; today there is a plant there that is throwing off noxious odors, with bells ringing all night; that whatever kind of plant they now wish to erect on the adjacent property, by Mr. Hicks own words there will be a spur track which will mean trains running into the plant all night, and it is foolish to say that the neighborhood will not suffer personally by the odors and noises and also in property devaluations. He stated further that P & N Railway's property line comes within 6 feet of the residence of one client, Mr. Burton's house, in which he has an investment of \$18,000, which if developed industrially will seriously affect the value of his property. He stated that Mr. Burton has tried to purchase a piece of property on that side of his residence from the P & N without success. Also, there is a street dedicated for public use running by the side of another client, Mr. Holden's house, but if the P & N's property is developed, the street will be requested opened and trucks will create a dust problem and a hazard to the children of Mr. Holden.

That The Charlotte News on May 29, 1958 stated there is three times as much unused industrially zoned property in Mecklenburg County as is in use; therefore, it is hard to believe that all of these 4,200 acres are unfit for industrial use. That it is just not right to hurt these 367 families just so that the P & N Railway Company may put to use property they purchased 32 years ago. He stated he believes that the property owners in the area would purchase this property from the P & N if given an opportunity to do so.

Mr. Hicks replied to Mr. Barnes, that all one has to do is to ask either the Chamber of Commerce or the Board of Realtors if there is sufficient Industrial property in the county; he stated further that there is not an industrial site, with all facilities, between the property in question and the City of Charlotte. He advised that the odds are that the buildings erected on the property will be warehouses, from which there will be no odors, etc. to offend anyone. He stated further that there is no street dedicated for public use by the side of Mr. Holden's house; that a strip of land along this property has been cleared by the Company in order that a sewer line could be laid to provide sewer service to the residents. That he has looked over the petition filed by Mr. Barnes, and that some of the 356 persons signing it live as far away as Tillman Road, Hovis Circle and Thrift Road, that in fact there are only 56 names on the petition of persons living on Plainview and Emerson Drive, who could conceivably be affected.

Council decision deferred for one week.

HEARING ON ORDINANCE NO. 461 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING THE PROPERTY AT THE SOUTHEAST CORNER OF DUCKWORTH AVENUE AND BRUNS AVE., FROM R-2 TO LIGHT INDUSTRIAL, ON PETITION OF WESTSIDE ICE & FUEL COMPANY.

The scheduled hearing was held on Ordinance No. 461 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte by changing property at the southeast corner of Duckworth Avenue and Bruns Avenue, from R-2 to Light Industrial.

The Planning Director presented a map of the area and stated the property connects at the rear with the property of the petitioner, and is partially occupied by them. That the area is developed for business towards Trade Street and across Bruns Ave. is residential and vacant. That the area across Duckworth Avenue is developed residentially.

Mr. Dick Wardlaw, representing the petitioner stated that in 1940 they acquired the property from the City and fenced it in; that a portion of their present buildings extends over into an R-2 area and they would like to have all of this property owned by the Company zoned alike, Industrially. That their property is zoned for Light Industrial on three sides, and on the west side there is a vacant lot and a ravine which they would like to fill in. That they have coal stored on the vacant portion of the lot in question.

Mrs. A. G. Garr, resident of 1517 Duckworth Avenue, speaking for the residents of the street who object to the rezoning, stated Duckworth Ave is a narrow street with parking limited to only one side and is a one-way street. That Westside Ice & Fuel Company does not have a siding from which coal can be delivered and it is therefore hauled in by truck and the coal dust is terrific. That it is not a fine area of Charlotte but their money is tied up in their homes, and if the property is rezoned it will be used as a coal yard by the Company and will mean a coal yard fronting on the street, and more dust settling on their premises. She urged that the change in zone not be permitted.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 462 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING PROPERTY AT THE SOUTHEAST CORNER OF KESWICK AVENUE AND DUNLOE STREET FROM R-2 TO INDUSTRIAL, ON PETITION OF SCANDINAVIA BELTING COMPANY.

The public hearing was held on Ordinance No. 462 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte by changing property at the southeast corner of Keswick Avenue and Dunloe Street from R-2 to Industrial.

Factual information as to the property and surrounding area was presented by the Planning Director, who stated that the area of the property is 150' by 150', and is partially occupied by Scandinavia Belting Company with off-street parking provided. That across Keswick there is a trucking terminal, otherwise the property is surrounded by area occupied by the Company. That the Company's overall property is adjoined on two sides by Industrial areas and on the other two by Residential area.

Mr. Paul Jamison, Attorney representing the petitioner, stated that the property requested rezoned is 125' by 125', that the Company purchased all of the area from Dunloe Street to North Tryon Street in 1925 and in 1926 completed their Plant, and they now propose to extend the office building and find this portion of their property is zoned R-2. He stated he thinks this was a mistake in the original zoning of the area.

No objections to the proposed change in zoning was voiced. Council decision was deferred for one week.

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HEARING ON ORDINANCE NO. 463 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING THE PROPERTY ON HUDSON STREET, BETWEEN MATHESON AVENUE AND 34TH STREET, FROM R-2 TO B-1, ON APPEAL OF J. W. KISER AND J. CLYDE WHITE FROM THE DECISION OF THE PLANNING BOARD DENYING THE CHANGE.

The scheduled hearing was held on Ordinance No. 463 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte by changing property on Hudson Street, between Matheson Avenue and 34th Street, from R-2 to B-1.

Mr. McIntyre, Planning Director, stated that Hudson Street is only one block long, and is off Plaza Road. That the property in question consists of the rear portion of two lots fronting Plaza Road in a residential area; that towards Plaza Road the area is used residentially but zoned for business.

Mr. Frank Snapp, representing the petitioners, stated the property fronts on Plaza Road, and there is a great deal of business in the vicinity; that across Plaza Road there are Service Stations, Shoe Repair Shops, etc. That the petitioners propose to construct a Shopping Center on the property in question, with 136,000 square feet of area and ample off-street parking space. That it will represent an investment of \$450,000. That as it is today, the residents of Hudson Street looking toward the property in question have a view of chicken yards and trash piles, and the proposed building will cutoff this view and add greatly to the appearance of Hudson Street. That within a one mile radius there are 4,139 dwelling units and the Shopping Center will serve the residents of these units, whereas the nearest shopping area today is Central Avenue. That they do not believe the proposed development would adversely affect the property along Hudson Street. He stated further that he understands these people are not interested in selling their homes, and have turned down an offer. That they have the signatures of 300 or 400 residents in the area saying they would like a Shopping Center of this type. That the City Traffic Engineer says that from a traffic standpoint theirs is a sensible plan. He pointed out that you cannot today put a Shopping Center on one lot, that it practically takes a block in order to provide parking space.

Mr. Mercer Blankenship, Attorney, filed a petition signed by the property owners on Hudson Street, stated the question involves one-half million dollars and 25 children, who now play in safety along quiet residential Hudson Street. That residents are poor people, with homes valued around \$8,000.00, which they have worked hard to buy, and in which they take pride, and that every home contains a number of children, whom they are trying to rear in the right way, and on a quiet, friendly street; that these people are poor, have no money, and no extensive credit, but what they do have is dear to their hearts. That if the proposed building is erected, it will mean that they will face across the street nothing but a blank prison wall; that the view today may not be the finest in Charlotte but it is open, with trees and the things of nature for these little children to look at. That instead of ^{bringing} happiness into the lives of these citizens, the construction of this building will work a hardship on them and put bitterness into their hearts towards the City, and he asked the Council to consider seriously the welfare of these people.

The City Attorney asked if Mr. Blankenship represented 20% of the property owners opposite, and Mr. Blankenship replied that he certainly does.

Mr. Frank L. Teague, Attorney, also representing the opponents to the change in zoning, stated that many of the signers of the petition live a great distance from the area and they are not the people who will be

affected by the building. Too, there is a huge A & P Shopping Center just a short ways down The Plaza, and the statement that these people must go to Central Avenue to do their shopping is incorrect. That the homes of the residents of Hudson Street did not cost much, but it represents their life's savings.

Mr. Glenn Morgan, 3005 Hudson Street, stated that someone has been up and down the street asking if the property owners would sell their homes for \$15,000.00 but no one has been able to get the person to put up a binder or make it legal; that naturally anyone of them would sell for that price. That several of the signers of the petition for the change, who live on Matheson Avenue, told him they signed it merely because they were afraid that a Service Station might be erected on the lot. Mr. Morgan urged the Council to vote against the change in zoning.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 464 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING PROPERTY ON COMMONWEALTH AVENUE, BETWEEN WOODLAND DRIVE AND GREENLAND AVENUE, FROM R-2 TO B-I, ON PETITION OF MRS EUNICE KEZIAH AND DEWEY L. DRUM AND WIFE.

The public hearing was held on Ordinance No. 464 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte by changing property on Commonwealth Avenue, between Woodland Drive and Greenland Avenue, from R-2 to B-1.

Mr. McIntyre, Planning Director stated the property is 100' x 250' and the development is generally residential; that from Woodland Avenue south there are several businesses; that the property is adjoined on the west by business established along Commonwealth Avenue.

Mr. Richard Keziah, stated for the petitioner, that his mother does not intend building anything on the property except a room at the back of the house, and the only change in the front will be a Florist sign; that their business is done over the phone, and the only traffic will be about one truck a day bringing fresh flowers.

Mrs. Keziah, the petitioner, stated the Building Inspection Department told her this would merely be an extension of the present business zone on Woodland Avenue. That it would save her much money if she could operate her florist business from her home.

Mr. Jack F. Newell, 3524 Commonwealth Avenue, stated they just do not want business in the area, that their homes represent investments of from \$12,000.00 to \$20,000 and the values would be decreased if business is permitted in the area.

Mr. T. P. Fowler, 3520 Commonwealth Avenue, stated there is business in the 3300 block but from the 3500 block it is residential on out the street and they do not want business to encroach any closer.

The decision of the Council was deferred for one week.

HEARING ON ORDINANCE NO. 465 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING PROPERTY ON THE EAST SIDE OF AVONDALE AVENUE, SOUTH OF ORDERMORE AVENUE, FROM R-2 TO B-I, ON PETITION OF J.H. FRICKHOEFFER, BETTY TURNER WEBB, W.E. THOMAS, L.V. CLOANINGER AND LELIA PUCKETT HAYES.

The public hearing was held on Ordinance No. 465 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte by changing property

on the east side of Avondale Avenue, south of Ordermore Avenue, from R-2 to B-1.

Mr. McIntyre, Planning Director, stated the property consists of several lots for about 600 feet, and is used residentially. That up the street are several businesses, and across Avondale Avenue and at the rear the property is vacant.

Mr. J. H. Frickhoeffler, Petitioner, stated that the property across the street from the property in question has been sold to a Gulf Service Station and is zoned for business, whereas they on the opposite side are zoned R-2, and would like similar zoning in order to extend their business.

No opposition was expressed to the proposed change.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 466 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING PROPERTY AT 1716 SOUTH TRYON STREET, LOCATED BETWEEN WEST KINGSTON AND WEST BOULEVARD, FROM R-2 TO B-1, ON PETITION OF GEORGE H. SIKES, 1728 SOUTH TRYON STREET.

The scheduled hearing was held on Ordinance No. 466 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte by changing property at 1716 South Tryon Street, between West Kingston Avenue and West Boulevard, from R-2 to B-1.

An explanation of the property and surrounding area was given by the Planning Director, who advised the property is a short distance from South Boulevard and South Tryon intersection. That it is adjoined on the east side by a residential development, across the street is a Service Station and on the west by a Service Station.

No opposition was expressed to the proposed change.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 467 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF THE PERIMETER AREA BY CHANGING PROPERTY AT THE INTERSECTION OF PROVIDENCE ROAD AND OLD PROVIDENCE ROAD, FROM RURAL TO B I-A, ON APPEAL OF W.T. ALEXANDER AND WIFE FROM THE DECISION OF THE PLANNING BOARD DENYING THE CHANGE, CONTINUED UNTIL AUGUST 13TH.

The public hearing was called on Ordinance No. 467 Amending the Zoning Ordinance to amend the Building Zone Map of the Perimeter Area, by changing property at the intersection of Providence Road and Old Providence Road, from Rural to B I-A.

Mr. H. I. McDougale, Attorney, representing the petitioners, requested a continuance of the hearing to the next date for zoning hearings by the City Council.

Councilman Brown moved that the hearing be continued until August 13th, as requested. The motion was seconded by Councilman Albea, and unanimously carried.

HEARING ON ORDINANCE NO. 468 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF THE PERIMETER AREA BY CHANGING PROPERTY SOUTH OF WILMONT ROAD NEAR BEAM ROAD, FROM RURAL TO INDUSTRIAL, ON APPEAL OF MRS. KATHRYN P. BORDEN FROM THE DECISION OF THE PLANNING BOARD DENYING THE CHANGE.

The public hearing was held on Ordinance No. 468 Amending the Zoning Ordinance to amend the Building Zone Map of the Perimeter Area by changing property south of Wilmont Road near Beam Road, from Rural to Industrial.

An explanation of the property and surrounding area was stated by the Planning Director, who advised that the property in question consists of 90 acres; that it is some distance from Wilmont Road, east of Beam Road; that it is open farm land, and is adjoined by a residential area.

Mr. Thomas R. Payne, representing the petitioner stated the land consists of 94 acres and lies 800 feet from Wilmont Road; that the Prison Camp and State Highway Maintenance Service Yard are a short distance away, both of which detract from selling the property for residential purposes. He stated the the Nello Teer Company is interested in the property for a Stone Quarry. That the petitioner, Mrs. Kathryn Borden and her two sons have residences on the property and do not intend moving. That before starting any operation Nello Teer Company will make a survey and be assured that all safety measures will be taken; that the Company carries large insurance against damage. That due to modern methods of blasting, they have not realized any damage claims within the past three years. He recited in detail their operations in New Bern, Rocky Mount and Raleigh, and stated that no vibration whatsoever was felt. That today contractors in this area are forced to pay high tariff for hauling stone from a great distance, and a Quarry is badly needed in the area. He stated he was much surprised to note in today's papers that the quarry operation was feared for its affect on Airport equipment, and stated that the Airport is three-fourths of a mile from the Borden property. He urged that the Council not jump to any rapid or false conclusions. He offered to show a film of the operations in other cities to the Council if they desire.

Mr. Spencer Bell, Attorney representing Mr. Jim Watt and others in the vicinity, stated that other companies have placed their quarries beyond the zoned area of the County, and thereby respected the rights and wishes of our citizens, and he sees no reason why a new company should be permitted to come and break this down. He stated further that he personally knows a man who located within the zoned area and then changed to another location outside the zoned area and there are others who have avoided locating within this area. He requested that the Council establish and maintain this principle once and for all for our rural area and protect the residents.

Mr. Jim Watt, resident of the area, accompanied by a large delegation of residents of the area, presented a petition signed by a good number of property owners, and stated there were old quarries in the area but abandoned because of the hazard. That with the extension of the city limits in 1960, the property will be within three-quarters of a mile of the city limit line; therefore, it cannot be considered out in the backwoods, nor remotely rural. He stated that this Body assumed the responsibility of protecting the interests of the people in the Perimeter Area when zoning was established, and he does not believe this proposal will be seriously considered and wished upon the taxpayers of this rural area. That Mr. Payne speaks of limited operation by his company, but who is going to limit them? That the goodwill of the people outside the city limits means much to Charlotte. He urged that Council consider the effects of the proposal and reject the zoning change. He stated further that the objections to the proposal advanced by the City's Airport Manager should be seriously considered, as he understands that vibrations of 1/1000s of an inch will throw out the Airport's Radar System.

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Mr. Paul Wichelhaus stated he understands that Steeb Creek Presbyterian Church members will bring in a petition signed by 360 names protesting the rezoning.

Mr. John Gibson, Locklane Drive within the affected area, asked that the Council have Nello Teer Company show them a blast on Mecklenburg County soil, as it is different from the soil in New Bern and Raleigh, as our soil is rugged and rocky and will carry a great vibration, while that of Eastern North Carolina is sandy and soft.

Mr. Ernest Machen, Attorney, representing Mr. Wichelhaus, his sons and others on Beam Road, stated they are much concerned because of the very large investment in their property. He pointed out that it would constitute spot zoning, in that it would authorize one land owner to use his land for a radically different purpose from that of the others around him. Too, that it is not a known fact that in the long run Nello Teer Company would actually mine the quarry - it could be some other company without the safety measures claimed by Nello Teer Company.

Mr. Jimmy Harris, Beam Road, urged that the country-side be left as it is. He stated he moved to the area to raise his three children in safety and he feels that permitting a mining operation would be an encroachment on his and others rights.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 469 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF THE PERIMETER AREA CHANGING THE TRIANGLE BOUNDED BY THE CITY LIMITS, NEW HIGHWAY 16 AND NELSON STREET, FROM R-2 TO INDUSTRIAL, ON PETITION OF ERVIN CONSTRUCTION COMPANY.

The public hearing was held on Ordinance No. 469 Amending the Zoning Ordinance to amend the Building Zone Map of the Perimeter Area by changing the triangle bounded by the city limits, New Highway 16 and Nelson Street, from R-2 to Industrial.

Factual information as to the property and surrounding area was presented by the Planning Director, who stated this is a portion of a larger area including the block used for building materials and supplies; that the area is adjoined by a residential area on both sides of Nelson Street.

No opposition was expressed to the proposed change.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 470 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF THE PERIMETER AREA BY CHANGING PROPERTY WEST OF BEATTYS FORD ROAD, ALONG HOSKINS AVENUE, FROM RURAL TO INDUSTRIAL, ON PETITION OF PAW CREEK LAND COMPANY, C.D. SPANGLER COMPANY, W.D. AUTEN AND WIFE, J. ALBERT CALDWELL, AZALE W. CALDWELL, FRANK W. CALDWELL AND YATES T. CALDWELL.

The scheduled hearing was held on Ordinance No. 470 Amending the Zoning Ordinance to amend the Building Zone Map of the Perimeter Area by changing property west of Beattys Ford Road, along Hoskins Avenue, from Rural to Industrial.

Mr. McIntyre, Planning Director, advised the property recommended rezoned consists of two separated tracts, the first containing 189 acres situated northeast of the Water Filter Plant on Highway #16, surrounded on the

north and northeast by farm and forest lands, and on the south by the SAL Railway's development. That the second tract consists of 120 acres extending from the Bypass across Hoskins. With the exception of three houses, the adjoining area is farm and forest land. That it is adjoined by the SAL Railway's development and that West Charlotte High School is near by but not adjoining.

Mr. Claude Q. Freeman and Mr. Thomas Ruff, Attorneys for the petitioners spoke in their behalf. Mr. Freeman stated that the requests for rezoning were presented to the Planning Commission on May 5th and the Commission rejected a portion of the property requested rezoned, therefore, only those portions of the property recommended by the Commission are to be considered and he urged that it be rezoned.

Mr. Ruff stated that a portion of the property / requested rezoned by Mr. C.D. Spangler was not recommended for hearing by the Commission, and Mr. Spangler has advised Mr. McIntyre of the Commission that he is willing to let it remain under its present Rural zoning classification.

Mr. McIntyre stated that the Spangler property on the south side of the Bypass and a portion of that owned by the Caldwell interest will remain in the Rural Zone, and this has been confirmed by the property owners.

Mr. Thos. Wyche, Attorney representing 543 land owners and residents of the West Charlotte area stated if it is clearly understood that the area outlined by Mr. McIntyre is not included in the rezoning, then he has no argument to present, and they have no opposition to the rezoning of the remaining area as presented.

There were no objections expressed to the proposed zoning.

Council decision was deferred for one week.

CONSTRUCTION OF SEWER TRUNK IN ASHLEY PARK AREA AUTHORIZED.

Upon motion of Councilman Wilkinson, seconded by Councilman Albea, and unanimously carried, the construction of a sewer trunk in the Ashley Park area was authorized. Mr. Yancey, City Manager, stated that the line which is badly needed in the Ashley Park area will serve the area adjacent to be annexed in 1960, and that the City has the funds for this construction.

REAPPOINTMENT OF J. LAMBERT SCHWARTZ TO MECKLENBURG-CHARLOTTE PLANNING COMMISSION.

Councilman Brown moved the reappointment of Mr. J. Lambert Schwartz to the Mecklenburg-Charlotte Planning Commission for a term of three years from the expiration of his present term on June 30th. The motion was seconded by Councilman Baxter, and unanimously carried.

CITY RECORDER'S COURT PERSONNEL DIRECTED TO APPEAR BEFORE COUNCIL AND PRESS RELATIVE TO ALLEGED IRREGULARITIES IN THE COURT.

Councilman Brown moved that the Council at an early date and as soon as possible have the Judge of the City Recorder's Court, along with the Acting Clerk of the Court and his assistant, Mrs. Cooper, and the former Clerk, Lieut. White and his Attorney come before the Council and the Press in the Mayor's office and bring the Court records, reports and evidence relating to alleged irregularities in the Court. The motion was seconded by Councilman Albea, and unanimously carried.

STATEMENT BY CITY MANAGER AS TO STATEMENTS BY CHIEF OF POLICE LITTLEJOHN TO THE CHARLOTTE OBSERVER.

The following statement was read into the record by Mr. Yancey, City Manager:

"6-11-58

I am amazed to note in the morning Charlotte Observer a statement which Police Chief Frank N. Littlejohn is quoted as saying:

'The chief said the audit had been ready for several days, but was held up on orders from City Manager Henry A. Yancey in order to give Judge Basil M. Boyd a chance to start cleaning up his own house.'

I immediately called the chief by telephone and asked him whether he had been correctly quoted. His reply was that he had not seen The Observer.

I asked him to read the story and advise me in writing whether or not he is correctly quoted.

In the event he is correctly quoted, he is guilty of an utterly false charge and one which may be libelious."

Mr. Yancey stated that the Audit was delivered to him by Mr. Coffin of the Geo. G. Scott Company at 9:40 o'clock this morning, and that he has not seen a copy of it prior to that time.

ORDINANCE NO. 471-X LEVYING, ASSESSING, IMPOSING AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF CHARLOTTE, FOR THE FISCAL YEAR BEGINNING JULY 1, 1958 AND ENDING JUNE 30, 1959.

An ordinance entitled: "Ordinance No. 471-X Levying, Assessing, Imposing and Defining the License and Privilege Taxes of the City of Charlotte, for the Fiscal Year Beginning July 1, 1958 and Ending June 30, 1959" was introduced and read, and upon motion of Councilman Baxter, seconded by Councilman Brown, was unanimously adopted. The ordinance is recorded in full in Ordinance Book 12, at Page 250.

CONTRACT BETWEEN JOHN CROSLAND COMPANY AND STATE HIGHWAY COMMISSION FOR RIGHT-OF-WAY FOR WATER MAIN INSTALLATION IN PARK ROAD AUTHORIZED CO-SIGNED BY CITY.

Upon motion of Councilman Wilkinson, seconded by Councilman Brown, and unanimously carried, the Mayor and City Clerk were authorized to co-sign an agreement between John Crosland Company and the State Highway Commission for the installation of water mains in Park Road, outside the city limits.

SICK LEAVE EXTENDED TO CAPTAIN R. F. BARKLEY, FIRE DEPARTMENT EMPLOYEE TO OCTOBER 13, 1958.

Councilman Brown moved that an extension of sick leave be approved for Captain R. F. Barkley, Fire Department employee, to October 13, 1958, as recommended. The motion was seconded by Councilman Wilkinson, and unanimously carried.

CONTRACT AWARDED REA CONSTRUCTION COMPANY FOR CONSTRUCTION OF ACCESS ROADS TO HOSKINS FILTER PLANT.

Motion was made by Councilman Albea, seconded by Councilman Wilkinson, and unanimously carried, awarding contract to the low bidder, Rea Construction Company, for the construction of access roads to Hoskins Filter Plant, at a total price of \$25,891.00.

Bids received are as follows:

Rea Construction Company	Total bid price	\$25,891.00
Blythe Bros. Company	Total bid price	\$26,400.00

CHANGE ORDER #1 AUTHORIZED IN CONTRACT WITH REA CONSTRUCTION COMPANY FOR CONSTRUCTION OF ACCESS ROADS TO HOSKINS FILTER PLANT, DELETING SERVICE AREA.

Upon motion of Councilman Brown, seconded by Councilman Wilkinson, and unanimously carried, Change Order #1 was authorized in the contract with Rea Construction Company for the construction of access roads to Hoskins Filter Plant, deleting the service area, by a deduction of \$6,880.31.

CHANGE ORDER AUTHORIZED IN CONTRACT WITH REA CONSTRUCTION COMPANY FOR THE CONSTRUCTION OF HOSKINS FILTER PLANT, ADDING THE EXTENSION OF RAILROAD SIDING.

Councilman Wilkinson moved approval of Change Order in the contract with Rea Construction Company for the construction of Hoskins Filter Plant (dated September 5, 1956) to add the extension of railroad siding, in the amount of \$9,138.70. The motion was seconded by Councilman Baxter, and unanimously carried.

TRANSFER OF CEMETERY LOT.

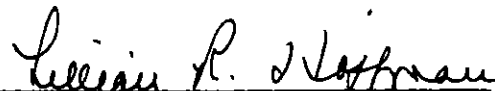
Upon motion of Councilman Albea, seconded by Councilman Brown, and unanimously carried, the Mayor and City Clerk were authorized to execute a deed with Mrs. Fannie L. Hargrave, for lots a, b and c, in front of Rows #21 and #22 in North Pinewood Cemetery, at a cost of \$441.00.

PETITION FOR STREET REPAIRING IN MERRY OAKS AREA.

Councilman Brown submitted a petition signed by 113 residents of the Merry Oaks Area, together with a request from the Merry Oaks Garden Club, that portions of Arnold Drive, Cosby Avenue, Lee Street, Draper Avenue, Farmington Lane, Flynnwood Drive and Merry Oaks Road be repaired. The petition was referred to the City Manager for investigation and report.

ADJOURNMENT.

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


Lillian R. Hoffman, City Clerk