

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, September 3, 1958, at 4 o'clock p. m., with Mayor Smith presiding, and Council members Albea, Baxter, Brown, Dellinger, Evans, Foard and Wilkinson being present.

ABSENT: None

\* \* \* \* \*

INVOCATION.

The invocation was given by Councilman Claude L. Albea

MINUTES APPROVED.

Upon motion of Councilman Wilkinson, seconded by Councilwoman Evans, and unanimously carried, the Minutes of the last meeting on August 27th were approved as submitted.

PETITION FROM RESIDENTS OF NORTH INDEPENDENCE BOULEVARD, COMMONWEALTH AVENUE, WATERMAN AVENUE AND ADJACENTS AND CONTIGUOUS SECTIONS OF OAKHURST AND CHANTILLY THAT EDWARDS BRANCH BE DREDGED FROM 3736 COMMONWEALTH AVENUE TO THE SHOPPING CENTER, REFERRED TO MECKLENBURG DRAINAGE COMMISSION.

Mr. Jake Wade, Jr., Attorney, representing the residents of North Independence Boulevard, Commonwealth Avenue, Waterman Avenue and adjacent and contiguous sections of Oakhurst and Chantilly, filed a petition signed by 45 residents requesting that action be taken by the City to prevent further flooding of Edwards Branch, which in the past from time to time has flooded and damaged and endangered their property. The petition stated that by reason of the fact that the drainage into Edwards Branch area has been increased through new construction in the vicinity, and the channel of the creek has not been deepened, their property is being damaged.

Mr. John Staton, 3736 Commonwealth Avenue, stated that during the flood on May 17th he realized considerable damage to his property. He stated that the immediate need is to dredge the creek from his property at 3736 Commonwealth Avenue to the Shopping Center, and he urged that it be done at once before another flood. He stated further Esso Standard constructed a service station on Independence Boulevard and loose dirt was left along the creek bank, and as the east side of the creek is low, this dirt washed onto private premises in the area.

Mr. J. H. Williams, 3812 Commonwealth Avenue, stated in the May 17th flood his car, lawnmower, tractor and a cyclone fence were all damaged; that he had 3½ feet of water all over his property. He, too, stated it is his opinion that dredging the creek would do the job.

Councilwoman Evans moved that the petition be presented to the Mecklenburg Drainage Commission for their action. The motion was seconded by Councilman Brown, and unanimously carried.

CITY MANAGER DIRECTED TO HAVE HEALTH OFFICER SUBMIT REPORT TO HIM OF SPECIFIC AREAS THAT CONSTITUTE A HEALTH MENACE BECAUSE OF FLOOD WATER AND/OR DRAINAGE CONDITIONS.

Councilman Baxter stated that flash flood that did so much damage to property occurred some four to six weeks ago, and since then money has been appropriated to help correct the situation and yet he has not seen a single ditch-digger working on the problem. He thought the Council should be specific and ask the Drainage Commission to start work within ten days on any location they choose using the City's \$10,000.00 emergency appropriation.

Mr. Shaw, City Attorney, reminded the Council that legally no funds can be spent on this problem unless the areas to be improved are declared to be hazards to health. He stated further that nothing has been given him to date to that effect. Also, he called attention to the fact that Mr. Staton has stated that the flooding of his property, or part of it, was caused by loose dirt from the construction of the Service Station, and he wondered if this should not be prohibited; that if the contractor had put in a retaining wall there would have been no trouble from the loose dirt.

Mayor Smith requested the City Attorney to draw the proper ordinance prohibiting such action.

Mr. Shaw suggested that the Health Officer be directed to investigate the flooded areas and make a report of those that have created a health menace.

Councilman Baxter moved that the City Manager direct the Health Officer to submit to him, and to the City Attorney, a report on the specific areas in town that constitute a health menace from flood water and/or improper drainage, on which the \$10,000.00 should be spent. The motion was seconded by Councilman Albea, and unanimously carried.

PARKING RESTRICTIONS AUTHORIZED PLACED ON CERTAIN STREETS AS RECOMMENDED BY TRAFFIC ENGINEER.

Councilman Baxter moved that the Council accept the recommendations of the Traffic Engineer for placing parking restrictions on certain city streets, a list of which is on file in the office of the City Clerk. The motion was seconded by Councilman Dellinger, and unanimously carried.

100 BLOCK OF STATE STREET CHANGED FROM ONE-WAY TO TWO-WAY AND TRAFFIC LIGHT OR RIGHT TURN SIGNAL AUTHORIZED INSTALLED TO ALLOW TRAFFIC TO TURN RIGHT ON TRADE STREET WITH NO LEFT TURNS ALLOWED.

Councilman Baxter stated that the Council has just gone along with the Traffic Engineer on parking restrictions on sixteen streets, and now he has a request to make regarding a street; he moved that the 100 block of State Street be changed from a One-Way street to a Two-Way street and that a traffic light or right turn signal, be installed at the intersection of State Street and Trade Street to allow traffic to turn right only, east on Trade Street, disallowing left turns into Rozzell's Ferry Road, Beatty's Ford Road and West Trade Street, for a trial period of 4 months. The motion was seconded by Councilman Wilkinson, and unanimously carried.

**\$1,000.00 APPROPRIATED FROM EMERGENCY FUND FOR STUDY AND RECOMMENDATIONS TO COUNCIL OF A PERMANENT ADJUSTMENT OFFICE OF TAXABLE PROPERTY IN CHARLOTTE AND MECKLENBURG COUNTY.**

Councilman Dellinger moved that \$1,000.00 be appropriated from the Emergency Fund to be expended in the discretion of the City Manager, along with like funds appropriated by the County Commissioners, in making a study and recommendations to the Council, of a permanent adjustment office of taxable property in Charlotte and Mecklenburg County. The motion was seconded by Councilwoman Evans, and unanimously carried.

**CONTACT AUTHORIZED WITH STATE BOARD OF HEALTH FOR PUBLIC HEALTH ACTIVITIES IN CHARLOTTE FOR FISCAL YEAR 1958-59.**

Motion was made by Councilman Brown, seconded by Councilman Wilkinson and unanimously carried, authorizing a contract with the State Board of Health, for public health activities in Charlotte for the fiscal year beginning July 1, 1958 to June 30, 1959.

**CONSTRUCTION OF SANITARY SEWER IN OSMOND STREET AUTHORIZED.**

Upon motion of Councilman Wilkinson, seconded by Councilman Brown, and unanimously carried, the construction of 180 feet of 8 inch sanitary sewer was authorized in Osmond Street, to serve one family unit at request of Jack L. White, 1132 Fordham Road, at an estimated cost of \$595.00. All costs to be borne by the City and applicant's required deposit of \$295.00 to be refunded as per terms of the contract.

**PURE OIL COMPANY GRANTED PERMISSION TO CONNECT PRIVATE SANITARY SEWER LINE TO CITY'S SEWERAGE SYSTEM.**

Councilman Dellinger moved that permission be granted the Pure Oil Company to connect 121 feet of private sanitary sewer line, outside the city limits, to the City's sanitary sewerage system in Sharon-Amity Road, 449 feet south of the center line of Independence Boulevard, upon condition that they comply with all laws, rules and regulations now in effect, or which may hereafter become effective relative to property similarly situated. The motion was seconded by Councilwoman Evans, and unanimously carried.

**CONTRACT AUTHORIZED WITH THE CHARLOTTE NEWS FOR PUBLICATION OF 1957 DELINQUENT TAX LIST.**

Motion was made by Councilman Albea, seconded by Councilman Wilkinson and unanimously carried, authorizing a contract with the Charlotte News for the publication on August 12 and 19, 1958 of the Delinquent City Tax List, at a total price of \$2,842.44, subject to 2% discount.

**CONTRACT AWARDED CAROLINA CONCRETE PIPE COMPANY FOR CONCRETE PIPE.**

Upon motion of Councilman Wilkinson, seconded by Councilman Foard and unanimously carried, contract was awarded the low bidder, Carolina Concrete Pipe Company for 168 lineal feet of 60 inch, 24 lineal feet of 18 inch and 44 lineal feet of 15 inch R. C. Pipe, as specified, at a total delivered price of \$2,813.48, subject to cash discount of \$84.40, or a net delivered price of \$2,729.08.

Net delivered bids received are as follows:

|                                |            |
|--------------------------------|------------|
| Carolina Concrete Pipe Company | \$2,729.08 |
| Foltz Concrete Pipe Company    | \$2,978.79 |
| Gray Concrete Pipe Company     | \$2,982.48 |

**CITY MANAGER DIRECTED TO CHECK INTO FEASIBILITY OF RENDERING WATER BILLS EVERY TWO MONTHS INSTEAD OF MONTHLY.**

Councilman Dellinger stated he had several requests that the City render its Water Bills every two months instead of monthly and asked the City Manager to check into the feasibility of this change. He stated further that with the increase in postal rates, a good sum should be saved by this change. Councilwoman Evans stated that Duke Power Company who renders bills every two months has a big deposit by their users on which to draw should people move away without paying a bill, while the City does not.

**MAYOR STATES WILL ENDEAVOR TO SUBMIT REPORT OF ALL CANDIDATES FOR POSITION OF CHIEF OF POLICE WITHIN TWO WEEKS.**

Councilman Dellinger stated he would like the Council to clarify the position of the Chief of Police. That he hopes the Council will take time to find the right man for the job but does not think they should drag their feet; that he hopes a man for the job can be found in the department or at least in Charlotte. Mayor Smith stated that he will endeavor to have a report of candidates for the position within two weeks. Councilman Dellinger stated his idea is that the Council get together before anyone is employed. Councilwoman Evans stated Mr. John Allen Thomas has written her about the position, and his name and all others submitted should be reviewed with all members of the Council sitting in on the review.

**PETITIONER WITHDRAWS REQUEST FOR ADOPTION OF ORDINANCE NO. 479 AMENDING ZONING ORDINANCE TO AMEND BUILDING ZONE MAP OF CHARLOTTE BY CHANGING PROPERTY LOCATED ON SOUTH SIDE OF MIDDLETON DRIVE, FROM R-2 TO B-1.**

A letter was presented by Mr. Benjamin S. Horack, Attorney for the petitioner, Mr. Edward C. Dwelle, Jr., for the adoption of Ordinance No. 479 amending the Zoning Ordinance to amend the Building Zone Map of Charlotte by changing property located on the south side of Middleton Drive, from R-2 to B-1, in which he withdrew the petition, without prejudice to their right to submit a new petition to the Planning Commission and Council at a later time.

**DECISION DEFERRED TWO WEEKS FOR REPORT FROM PLANNING BOARD ON ORDINANCE NO. 485 AMENDING ZONING ORDINANCE TO AMEND THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING PROPERTY BOUNDED BY TUCKASEEGEE ROAD, BIGHAM STREET, ROGERS STREET AND ENDERLY PARK BAPTIST CHURCH, FROM R- 2 to B-1, ON PETITION OF T. K. DAVIS ET AL.**

The City Manager reported that he had not received a report from the Planning Board relative to their request on August 27th that Council's decision on Ordinance No. 485 Amending the Zoning Ordinance to Amend the Building Zone Map of Charlotte by changing property bounded by Tuckaseegee Road, Bigham Street, Rogers Street and Enderly Park Baptist Church, from R-2 to B-1, be deferred.

Councilman Albea moved that the matter be deferred for two weeks for the report from the Planning Board. The motion was seconded by Councilman Foard, and unanimously carried.

**CITY BUS COMPANY REQUESTED TO CHANGE BUS ROUTE FROM TURNING LEFT AT SUMTER AND STATE STREETS TO TURNING LEFT ON BRUNS AVENUE GOING TWO BLOCKS RIGHT ON MAHOPAC ST ONE BLOCK TO STATE STREET.**

Councilman Baxter moved that the City Bus Company be requested to change the bus route from turning left at Sumter and State Streets, to turning left on Bruns Avenue, going two blocks right on Mahopac Street one block to State Street. The motion was seconded by Councilman Brown, and unanimously carried.

TRANSFER OF CEMETARY LOT.

Councilman Albea moved that the Mayor and City Clerk be authorized to execute a deed with Mrs. Jettie B. Neel and/or William Bane Neel, Jr. for Lot 145, in Section 2, Evergreen Cemetery, at \$160.00. The motion was seconded by Councilwoman Evans, and unanimously carried.

L. A. DRIGGERS, ASSISTANT IN OFFICE OF COLLECTOR OF REVENUE,  
AUTHORIZED TO SIGN CHECKS ON THE CITY-COUNTY TAX COLLECTORS ACCOUNT  
DURING THE ABSENCE OF THE COLLECTOR OF REVENUE, D. ROY YARBOROUGH.

The City Manager advised that Mecklenburg County Board of Commissioners has authorized Mr. L. A. Driggers, an Assistant in the office of the Collector of Revenue, to sign checks on the City-County Tax Collectors account in the absence of Mr. Roy Yarbrough, Acting Collector of Revenue, and similar authority should be given by the City Council if they wish to do so. Councilman Dellinger moved that Mr. L. A. Driggers, an Assistant in the office of the Collector of Revenue be authorized to sign checks in the absence of the Acting Collector of Revenue, Mr. Roy Yarbrough. The motion was seconded by Councilman Brown, and unanimously carried.

EXTENSION OF SICK LEAVE TO J. B. CHERRY, ENGINEERING DEPARTMENT  
EMPLOYEE.

Upon motion of Councilman Albea, seconded by Councilman Brown, and unanimously carried, the sick leave of Mr. J. B. Cherry, Engineering Department employee was extended through September 30, 1958.

SETTLEMENT OF CLAIM OF MRS. BLONDELL SPRINGS FOR PERSONAL INJURIES.

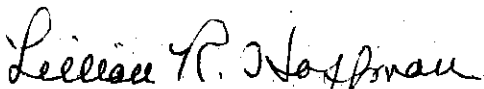
Councilman Dellinger moved that the claim of Mrs. Blondell Springs, for personal injuries from stepping into an open water meter box, be settled in the amount of \$164.55, as recommended by the City Attorney and City Manager. The motion was seconded by Councilman Albea, and unanimously carried.

INCREASE IN FEES FOR SANITARY SEWER LATERAL INSTALLATIONS AUTHORIZED  
EFFECTIVE SEPTEMBER 4, 1958.

Upon motion of Councilwoman Evans, seconded by Councilman Baxter, and unanimously carried, sanitary sewer lateral fees charged for installations in paved streets was increased from \$90.00 to \$100.00, and in unpaved streets was increased from \$60.00 to \$75.00, effective September 4, 1958.

ADJOURNMENT UNTIL September 17, 1958

Councilman Albea moved that the meeting be adjourned until Wednesday, September 17, 1958 at 3 o'clock p. m. The motion was seconded by Councilwoman Evans, and unanimously carried.

  
Lillian R. Hoffman, City Clerk