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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, May 6, 1959, 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.

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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 April 29th were approved as read.

ITEM IN COUNCIL MEETING MINUTES DATED APRIL 22, 1959 RECORDED IN MINUTE BOOK 38, AT PAGE 359, RELATIVE TO PETITION FOR CHANGE IN ZONING IN THE 2100 BLOCK OF COMMONWEALTH AVENUE BEING "WITHDRAWN", CHANGED BY COUNCIL ACTION TO READ "WAS POSTPONED TO MAY 6TH".

Mr. Jack Hamilton, Attorney, representing the property owners in the 2100 block of Commonwealth Avenue whose petition for a change in zoning of the entire block from R-1 and R-2 to B 1-A was filed with the City Council on March 11th, appeared before Council and requested that the Council rule on the petition today, and, also, change the Minutes of the Council Meeting on April 22nd from reading that the petition was "withdrawn" to read that it "was requested postponed at this time, the date on which the decision would normally be made".

Councilman Baxter stated that as long as there had been an error made, he moved that the Minutes of April 22nd be changed to read that a motion was made "that the hearing on the petition be continued to May 6th". The motion was seconded by Councilman Brown.

Councilman Wilkinson asked the City Attorney as to the legality of the change in the Minutes. Mr. John Shaw, City Attorney, replied that there has been an intervening meeting since the meeting at which the alleged error in the Minutes occurred. That he does not know what the law is in a matter of this kind. That as he understands it, the petition was signed by 100% of the residents of the street; that he told Mr. Hamilton when he came to see him that the legality of the matter would be up to the property owners to worry about; that if there were a law suit about the zoning change, someone in his outfit would be sued.

Councilman Baxter asked that he be recorded as having made the motion to change the Minutes if legal.

Mr. Hamilton stated there is a distinct difference in the petition being withdrawn and being withdrawn to a certain time; that they will be deprived of a decision by the Council who held the hearing on the matter if the decision is not made today.

Councilman Dellinger stated that Mr. Hamilton puts the Council in a bad light because the Minutes of the meeting on April 22nd were approved at the next meeting; also, that the law is that zoning matters must be continued to a certain date.

Mr. Shaw stated that his recollection is that the petition was withdrawn and the Minutes are correct.

Following the discussion, the vote was taken on the motion of Councilman Baxter and carried, with the votes cast as follows:

YEAS: Council members Baxter, Brown, Dellinger, Evans, Foard and Wilkinson.

NAYS: Councilman Albea.

ORDINANCE NO. 541 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING PROPERTY IN THE 2100 BLOCK OF COMMONWEALTH AVENUE, FROM R-1 AND R-2 TO B 1-A. ADOPTED.

Councilman Baxter moved the adoption of Ordinance No. 541 Amending Chapter 21, Article I, Section 2 of the City Code amending the Building Zone Map of Charlotte by changing property in the 2100 block of Commonwealth Avenue from R-1 and R-2 to B 1-A. The motion was seconded by Councilman Brown.

Councilman Dellinger stated he does not usually elaborate on these zoning matters; however, he believes this is a little different, as the Zoning Commission has already rezoned two pieces of property on the street, and, too, that all of the residents in the area have signed the petition for the change and there is no opposition from the neighborhood.

Councilwoman Evans stated she does not remember the reason the Zoning Commission gave for disapproving the requested change, and Councilman Dellinger stated the reasons as he recalled them.

The vote was then taken on the motion for the adoption of the ordinance, and carried, with the votes cast as follows:

YEAS: Council members Baxter, Brown, Dellinger, Foard and Wilkinson.

NAYS: Council members Albea and Evans.

The Ordinance is recorded in full in Ordinance Book 12, at Page 339.

RESOLUTION REGARDING USE OF PROPERTY ACQUIRED FROM PAULS-HEMINGWAY, INC. BY THE CITY OF CHARLOTTE FOR WIDENING EAST MOREHEAD STREET.

Mr. George Miller, Attorney, appeared before Council and requested that Pauls-Hemingway, Inc. be given the right of ingress and egress and a driveway, over the property on East Morehead Street acquired from them by the City to be used in the widening of the street. A resolution entitled: "Resolution Regarding Use of Property Acquired from Pauls-Hemingway, Inc By the City of Charlotte for Widening East Morehead Street" was introduced by Councilman Brown, who moved its adoption. The motion was seconded by Councilwoman Evans, and unanimously carried. The resolution is recorded in full in Resolutions Book 3, at Page 356.

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TRANSFER OF LEASE OF SOUTHERN FLIGHT SERVICE, INC. TO SOUTHEAST AIRMOTIVE CORPORATION.

Mr. Charles Henderson, Attorney, appeared before Council and requested the transfer of Lease of Southern Flight Service, Inc., to Southeast Airmotive Corporation covering Hanger, being Building #362 having 10,000 square feet of floor space and certain land on which there are constructed six T-hangers, the land being approximately 6,800 square feet. He stated that transfer is approved by Mr. A. S. Quinn, Airport Manager. Mr. Henderson advised that Southeast Airmotive Corporation have been tenants for sometime at Douglas Municipal Airport Terminal and in connection with the business they now have they wish to get into the service type of work.

Upon motion of Councilman Brown, seconded by Councilman Wilkinson, and unanimously carried, the transfer was approved and the Mayor and City Clerk were authorized to execute the papers in connection therewith subject to approval of the City Attorney and City Manager.

SPEECH BY RETIRING COUNCILMAN BAXTER.

Councilman Baxter stated as he would not have the pleasure of serving on the City Council for another term, he wished to extend his congratulations to Mayor Smith on his reelection and wish him all the success in the world and pledge his heartiest support. At the same time he wished to call attention to the five Committees of which he is presently serving as Chairman whose important work is incompleated, which he sincerely hopes will be followed through, namely:

Job Classification: That the report of Lee Associates will be ready by May 15th. That the Committee of which he is Chairman has approved the sum of \$5,000.00 to be included in the 1959-1960 budget to complete the pay-plan, in order to properly adjust the program.

Tax Consolidation Office: That the existing contract with the County Commissioners is for one year, on a trial basis, and new contract must be drawn. That the most important part of the entire consolidation is more space.

Legislative Program: That final check on our Bills should be checked into; the Flood Relief Bill to enter private property, Corrections in the Recorder's Court and Staggered Terms for the Council, are not yet in the hopper.

Flood Relief Program: That nothing has been done as yet to prevent flood relief of homes, as happened last year, and the City should include funds in the budget, or by bond issue, to bring about this relief.

Grade Crossing Elimination: The traffic on the west side of town is steadily increasing, and the elimination of grade crossings is very important and the Southern Railway, State Highway Department and Federal Government should be prodded in order to keep the project alive and progressing.

Mayor Smith expressed his appreciation to Councilman Baxter for his good wishes and information.

COUNCILMAN DELLINGER EXPRESSES APPRECIATION TO RETIRING COUNCIL MEMBERS.

Councilman Dellinger stated he has enjoyed very much working with Councilman Baxter and appreciates all that he has done for him as he guided

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him in his first campaign; that the recent campaign was rugged, something like a "rabbit trying to get back in the briar patch with all the dogs snapping at him". That he will miss Councilman Baxter very much. To Councilwoman Evans and Councilmen Wilkinson, Brown and Foard he stated he has enjoyed working with them and sorry they will not be here another term.

CONSTRUCTION OF TEMPORARY SIDEWALKS ON WEST TRADE STREET AUTHORIZED.

Councilman Brown stated the City Engineer has submitted the results of his survey of the cost of a temporary sidewalk on West Trade Street, from Seldon Drive to Stewart Creek, which is \$2,100.00. He moved that \$2,100.00 be transferred from the Street Budget Fund, Code 513-13-23, for the sidewalk construction. The motion was seconded by Councilman Baxter, and unanimously carried.

RESOLUTION RELATIVE TO REQUESTING MECKLENBURG DRAINAGE COMMISSION TO ESTABLISH A SEPARATE DRAINAGE DISTRICT IN THE SECTION OF SUGAW CREEK TO RELIEVE THE DRAINAGE CONDITION, UNDER AUTHORITY OF CHAPTER 387 OF THE PUBLIC LOCAL LAWS OF 1937.

A resolution entitled: "Resolution Relative to Requesting Mecklenburg Drainage Commission to Establish a Separate Drainage District in the Section of Sugaw Creek to Relieve the Drainage Condition, Under Authority of Chapter 387 of the Public Local Laws of 1937" was introduced by Councilman Brown, seconded by Councilman Albea, and unanimously carried. The resolution is recorded in full in Resolutions Book 3, at Page 357.

COUNCILMAN ALBEA EXPRESSES PLEASURE AT WORKING WITH THE COUNCIL MEMBERS.

Councilman Albea stated he has enjoyed working with the Mayor and everyone on the City Council, and will miss those who will not serve another term, and hopes that they may all continue to be friends.

COUNCILWOMAN EVANS EXTENDS BEST WISHES TO MAYOR SMITH AND EXPRESSES PLEASURE AT HAVING BEEN ASSOCIATED WITH THE MEMBERS OF THE COUNCIL.

Councilwoman Evans stated she is grateful to the people for having served them for the past four years, and that she has done her best to serve them well and impartially. That she extends her best wishes to Mayor Smith for another successful term and expressed her pleasure at having been associated with the members of the Council.

SETTLEMENT OF CLAIM OF MRS. LOLA CHEEK FOR PERSONAL INJURIES AUTHORIZED, AND BELK BROS. COMPANY TO BE ASKED IF WILL NOT RECONSIDER THE CITY'S REQUEST THAT THEY REPAVE THE SIDEWALK.

Motion was made by Councilwoman Evans, seconded by Councilman Baxter, and unanimously carried, authorizing the settlement of claim of Mrs. Lola M. Cheek in the amount of \$97.00, for injuries sustained on October 23, 1958 from falling on the worn sidewalk in front of Belk Bros. Store.

The City Attorney advised that Belk Bros. Company has been requested to repave the worn sidewalk and refused to do so. He stated that the condition of the sidewalk is such that the Engineering Department states it can no longer be repaired successfully.

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Councilwoman Evans moved that the Acting City Manager request Belk Bros. Company to reconsider their position in the matter and to think of the citizens of Charlotte who use the sidewalk. The motion was seconded by Councilman Brown, and unanimously carried.

TRANSFER OF FUNDS FROM EMERGENCY FUND TO CIVIL DEFENSE FOR PURCHASE OF TRUCK.

Councilwoman Evans moved that action of the City Council on September 3, 1958 be rescinded authorizing the transfer of \$1,000.00 from the Emergency Fund (Code 110) for permanent tax adjustment office and authorize the transfer of the \$1,000.00 to Civil Defense Outlay Account (Code 1109) for the purchase of a truck.

The motion was seconded by Councilman Baxter, and unanimously carried.

COUNCILMAN FOARD EXPRESSES REGRET AT NOT BEING ON COUNCIL FOR ANOTHER TERM.

Councilman Foard stated he has enjoyed working with the Mayor, Council members, City Manager, City Attorney and City Clerk, and is sorry that he will not be here for another term.

COUNCILMAN FOARD REQUESTS THAT 'NO PARKING' ON STREETS BE LIFTED FOR CITIZENS ATTENDING CHURCH.

Councilman Foard asked Mr. Hoose, Traffic Engineer, why the No Parking Signs on Independence Boulevard did not exempt Sundays so that persons might park for the two churches on the street. Mr. Hoose advised that when a church requests the privilege of parking on a prohibited street on Sunday, a check is made of the amount of traffic to determine the advisability of allowing the requested parking; however, no such request has been made by either of the churches referred to by Mr. Foard, and he will be glad to make a check in this case.

Councilman Foard then stated that with the removal of all parking on the street, he is of the opinion that it should be made entirely Business.

CLAIM OF MRS. IVA JAMES FOR PERSONAL INJURIES REFERRED TO CITY ATTORNEY FOR HANDLING.

Upon motion of Councilman Albea, seconded by Councilwoman Evans, and unanimously carried, the claim of Mrs. Iva James for personal injuries was referred to the City Attorney for handling.

GEORGE B. LIVINGSTON, ACTING CITY MANAGER, APPOINTED AS OFFICIAL SPOKESMAN OF CITY TO EXECUTE PAPERS IN CONNECTION WITH CHARLOTTE & MECKLENBURG COUNTY HEALTH CENTER, PROJECT NO. NC 279.

Upon motion of Councilman Baxter, seconded by Councilman Dellinger, and unanimously carried, Mr. George B. Livingston, Acting City Manager, was appointed as Official Spokesman to execute all papers in connection with the Charlotte and Mecklenburg County Health Center, Project No. NC 279.

TRANSFER OF FUNDS FROM EVERGREEN CEMETERY BUDGET (CODE 1521 G-2) TO ELMWOOD CEMETERY BUDGET (CODE 514 C-35) TO REPLACE BADLY WORN FENCE AT ELMWOOD CEMETERY.

Councilman Baxter moved that \$850.00 be transferred from the Evergreen Cemetery Budget (Code 1521 G-2) to Elmwood Cemetery Budget (Code 514 C-35) for use in replacing badly worn fence at Elmwood Cemetery. The motion was seconded by Councilman Wilkinson, and unanimously carried.

CLAIM OF ELIZABETH R. DAVIS FOR PERSONAL INJURIES REFERRED TO CITY ATTORNEY.

Upon motion of Councilman Baxter, seconded by Councilman Wilkinson, and unanimously carried, the claim of Elizabeth R. Davis for personal injuries resulting from falling into an uncovered water meter box in the sidewalk at 223 West 10th Street on Nov. 11, 1958, was referred to the City Attorney for handling.

TRANSFER OF \$4,500.00 FROM WATER SURPLUS FUND TO WATER DEPARTMENT BILLING AND COLLECTING DIVISION, FOR POSTAGE.

Motion was made by Councilman Foard, seconded by Councilman Baxter, and unanimously carried, authorizing the transfer of \$4,500.00 from Water Surplus Fund, to the Water Department Billing & Collecting Division (Code 607 C-22) for postage for water bills, due to increased postal rates.

CONDEMNATION PROCEEDINGS AUTHORIZED STARTED FOR RIGHT-OF-WAY FOR MCMULLEN CREEK OUTFALL ACROSS THE PROPERTY OF MCDANIEL B. JACKSON AND WIFE.

Councilwoman Evans moved that condemnation proceedings be started for right-of-way for McMullen Creek Outfall across the property of McDaniel B. Jackson and wife. The motion was seconded by Councilman Baxter, and unanimously carried.

SICK LEAVE EXTENSION TO EMPLOYEES OF POLICE AND MOTOR TRANSPORT DEPARTMENTS AUTHORIZED.

Upon motion of Councilman Albae, seconded by Councilman Wilkinson, and unanimously carried, the following sick leave extension was authorized:

- (a) Extension to April 18, 1959 to Police Officer W. R. Allen.
- (b) Extension to April 11, 1959 to Detective M. H. Thompson.
- (c) Extension to April 22, 1959 to Mrs. Maude Seabrooks, Clerk in Police Department.
- (d) Extension to June 1, 1959 to Mr. W. E. Boone, Sr., Motor Transport Department.

STREETS TAKEN OVER FOR CITY MAINTENANCE.

Upon motion of Councilman Brown, seconded by Councilman Foard, and unanimously carried, the following streets were taken over for city maintenance:

- (a) Brunswick Avenue from Kings Drive to within 190 ft. of Ardsley Rd.
- (b) Edgehill Road, North from Brunswick Ave. north to end of present maintenance.
- (c) Edgehill Road, South from Brunswick Ave. north to end of present maintenance.

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- (d) Southwest Boulevard from English Drive to Burbank Drive.
- (e) Monterey Street from Burbank Drive to end.
- (f) Burbank Drive from Southwest Boulevard to Syracuse Drive.
- (g) Domino Court from Monroe Road south 320 feet.
- (h) Syracuse Drive from LaSalle Street to Burbank Drive.

CONSTRUCTION OF SANITARY SEWERS AUTHORIZED.

Upon motion of Councilman Foard, seconded by Councilman Dellinger, and unanimously carried, the construction of sanitary sewers was authorized at the following locations:

- (a) Construction of 180-ft. of sewer in Shuman Avenue, at request of McDevitt & Street Company, to serve one business unit, at an estimated cost of \$410.00. All costs to be borne by the City and applicant's required deposit of \$110.00 not to be refunded.
- (b) Construction of 1,760-ft. of sewer in Rollingwood Subdivision, at request of Ervin Construction Company, to serve residential property, at an estimated cost of \$6,605.00. All costs to be borne by the City, and Applicant's required deposit of the entire amount to be refunded as per terms of the agreement.
- (c) Construction of 808-ft. of sewer in perimeter area, at request of Helms Construction Company, to serve 11 family units, at an estimated cost of \$2,360.00. All costs to be borne by the City.
- (d) Construction of 289-ft. of sewer in Oliver Street, at request of Edison Foard, to serve three family units, at an estimated cost of \$1,250.00. All costs to be borne by the City, and applicant's required deposit of \$350.00 not to be refunded.
- (e) Construction of 200-ft. of sewer in Latta Park, at request of City Engineer, to replace an old, inadequate sewer line, at an estimated cost of \$1,350.00. All costs to be borne by the City.

CONTRACT AWARDED BAKER-MITCHELL COMPANY FOR UNTARRED TWISTED JUTE ROPE PACKING.

Councilman Wilkinson moved that contract be awarded the low bidder, Baker-Mitchell Company, for 5,000 lbs. of Untarred Twisted Jute Rope Packing, as specified, at a total bid price of \$1,102.50, subject to cash discount of \$22.05, or a net delivered price of \$1,080.45. The motion was seconded by Councilwoman Evans, and unanimously carried.

All net delivered bids received are as follows:

Baker-Mitchell Company	\$1,080.45
Crane Company	\$1,107.40
Grinnell Company, Inc.	
Horne-Wilson, Inc.	
Atlas Supply Company	
Hajoca Corporation	

RENEWAL OF
 PERMITS

Mayor, and
 Permit
 & Recreation

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UNFIT HOUSING PROGRESS REPORT FOR QUARTER ENDING MARCH 1959.

The following Unfit Housing Progress Report for the quarter ending March 31, 1959 was filed by Acting City Manager Livingston:

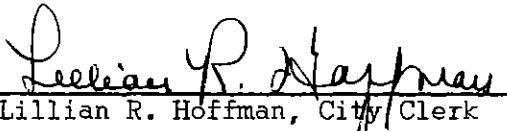
Number of Housing Units brought up to standard	62
Number of property owners cited for hearings	26
Number of Housing units Condemned	24
Number of bathing facilities installed	16
Number of housing units Demolished	43

Progress of Housing Program since the beginning in August of 1948:

Number of Housing Units brought up to standard to-date	11,723
Number of Houses Demolished to date	2,147.

ADJOURNMENT.

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


Lillian R. Hoffman, City Clerk