

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 Monday November 16, 1959, at 4 o'clock p.m., with Mayor Smith presiding and Councilmen Albea, Dellinger, Hitch, Myers, Smith and Whittington being present.

ABSENT: Councilman Babcock.

Planning Board members Sibley, Chairman, Ervin, Hook, Marsh, McClure, Toy and Wilkinson were present during the hearing on the petition to amend the Zoning Ordinance.

ABSENT: Commissioners Craig, Hanks, and Schwartz.

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Hitch, seconded by Councilman Whittington, and unanimously carried, the Minutes of the last meeting on November 9th were approved as submitted.

HOME BUILDERS ASSOCIATION REQUESTS NO CHANGE IN PRESENT SEWER EXTENSION POLICY.

Mr. Buell Duncan, President, Charlotte Chamber of Commerce, stated that it is the opinion of their Executive Committee the matter of adequate sewage disposal in the city and perimeter area is of vital need and placing a moratorium on housing construction outside the new city limits would, in effect, place a ring around the city by prohibiting future growth in these outlying areas; at the same time, they realize the City's approaching legal debt limitation for providing enlargement of sewer facilities is an acute problem. However, they are confident that the Council will do all in its power to provide adequate facilities to permit the continued growth of the entire community and at the same time consider the financial status of the city to the best interest of all concerned.

Mr. Jack DeLaney, President of the Home Builders Association, stated they are greatly concerned over the proposed change in the present sewer extension policy, and they believe that prompt affirmation of long range policies and plans for community water and sewer facilities is urgent, and the adherence to historic practices governing the use and extension of these services will further nourish sound expansion of Charlotte with fairness and equity to all citizens. He advised that in 1958 the home builders took out permits for 2,542 residences in Charlotte and the perimeter area amounting to \$25,000,000 while during the first ten months of this year 2,549 permits have been taken out amounting to over \$25,000,000. Mr. DeLaney traced the history of water service in Charlotte since 1815, when the water supply consisted of two wells; he advised that

in 1881 the Charlotte Water Works was chartered and in 1905 metered service began. That in 1882 it was found necessary to furnish sewerage service and in 1887 a city-wide sewerage system with power of condemnation for lines was adopted and in 1914 the law was amended for all abutting owners to connect thereto. Mr. DeLaney reviewed the present policy for the installation of water and sewer lines and as evidence that the revenue ^{from} the water and sewer system has been sufficient to take care of the operating expense, maintenance, capital outlay and debt service, he presented three charts showing, (1) the total bonds outstanding in relation to the increase in assessed valuation, (2) the total bonds outstanding from 1948 through 1959, water and sewer bonds separately and said bonds combined, together with a chart of the debt service requirement for all water and sewer bonds separately and combined, and (3) chart covering period 1948 through 1959 showing comparison of the combined water and sewer revenue with the combined water and sewer debt service, operating expense, maintenance and capital outlay; the water revenue independent, water operating expenses, maintenance, capital outlay, the combined water and sewer debt service and separately, in comparison with the water and sewer operations. Mr. DeLaney referred to the chart he also presented on housing growth in greater Charlotte as to annual volume and dwelling units and permit valuation. He stated further that the water and sewer systems have been paying for themselves and producing a surplus after all expenses were met, and he appealed that no change be made in the manner of financing water and sewer extensions, stating that to do so will be unfair to the 160,000 persons having sewer facilities as well as to fall down on promises made to the people in the perimeter area.

Mr. Charles Ervin reviewed the present policy and stated they were arrived at by the City on a fair return basis. He stated the home builders supported the city in the annexation of the perimeter area on the plan submitted by the Planning Board; that one of the main benefits of the plan was water and sewer services under the present policy, and it would be unfair and inequitable to go back on this today. He advised the City is in good shape on water supply; that the sewerage disposal plants are in a critical condition insofar as the perimeter beyond the 1960 city limit line. Mr. Ervin stated the city would not have attained its present size had the present policy as to water and sewer lines existed; that the home builders assure the Council of their continued support and altho the problem is a big one they are confident the solution can be found, but, in their opinion, the answer is not in the proposed change in policy, which is ill-advised.

Mayor Smith thanked the gentlemen for coming down and expressing their views on the subject.

HEARING ON ORDINANCE NO. 631 AMENDING ZONING ORDINANCE TO CHANGE ZONING ON PROPERTY EAST OF SUGAW CREEK ROAD, BETWEEN GROVE AVENUE EAST AND CINDERELLA ROAD FROM R-2 TO E-1, ON PETITION OF GOODYEAR MORTGAGE CORP. CONTINUED UNTIL DECEMBER 21ST.

The scheduled hearing on Ordinance No. 631 Amending the Zoning Ordinance to change zoning on property of Goodyear Mortgage Corp. east of Sugaw Creek Road, between Grove Avenue East and Cinderella Road, from R-2 to B-1, was held.

Mr. McIntyre, Planning Director, stated the property consists of eight undeveloped lots; that the area across the roadway is developed industrially and all adjoining property is developed residentially, with the exception of a small store.

Mr. Ken Griffin and Mr. Charlie Henderson, Attorneys for the petitioner, stated there is a business area to the west of the property; to the east there are four residential lots belonging to a company related to the Corporation they represent, who has filed his consent to the change; that the area surrounding the property is business, and there are 560 undeveloped residential lots within the area. That there will be a definite need for a shopping center on the property when the residential lots are developed.

The City Attorney pointed out that under these conditions the 20% rule will not apply, and Mr. Griffin stated that is correct according to his understanding of the rule.

Mrs. Lucille Davis, Mr. Ralph Cochran, Mr. J. F. Elam, residents of Sugaw Creek Road West spoke in opposition to the proposed change, stating they knew nothing of the proposal until yesterday when someone said there was a sign posted on the property regarding the rezoning, and the reason they had not seen it was that the street was barricaded for repairs. They urged that the hearing be deferred until they could obtain counsel and be heard. Mrs. Davis stated the property in question is directly in front of her home and she expressed strenuous objections to it being zoned for business, and stated there is no need whatever for a shopping center in this residential area, as there is one nearby.

Upon motion of Councilman Albea, seconded by Councilman Hitch, and un-animously carried, the hearing was continued until December 21st, at 3 o'clock p.m.

APPLICATION OF YELLOW CAB COMPANY AND BAKER CAB COMPANY FOR INCREASE IN TAXICAB FARES DEFERRED ONE WEEK FOR COMPANIES TO FILE FINANCIAL STATEMENTS WITH CITY ACCOUNTANT.

Mr. Brock Barkley, Attorney for Yellow Cab Company and Mr. Paul R. Ervin, Attorney for Baker Cab Company appeared before Council and requested an increase in cab fares of 45¢ for the first 1/2 mile and 10¢ for each additional 1/2 mile, in lieu of the present fares of 45¢ for the first mile and 10¢ for each additional 1/2 mile, in order that the Companies may meet the rising operating costs and to pay a fair wage to their personnel.

Mr. Ervin stated the present rates were established on November 5, 1952, and have remained static since then, while there has been a tremendous increase in the cost of living and cost of cabs, parts and maintenance.

Councilman Smith moved that the request be approved. The motion was seconded by Councilman Hitch, and carried, with the votes cast as follows:

YEAS: Councilmen Dellinger, Hitch, Myers, Smith and Whittington.

NAYS: Councilman Albea.

Mr. John Shaw, City Attorney, advised the Council not to permit the increase in fares merely on the basis of the increased cost of living and cost of doing business without a statement of fact as to the Companies financial condition, or before making a study of their audits by our Accountants, and establishing facts as to the actual need for the increased rate.

Councilman Hitch moved that the previous motion be rescinded for the purpose of discussion. The motion was seconded by Councilman Whittington, and unanimously carried.

Mr. Barkley, stated the folder presented the Council at the beginning of the meeting contains statements from Automobile and Parts Companies showing the increase in costs of cars, parts, etc in comparison with those of 1952. He stated further it is necessary to replace one-third of their cabs each year. That parts are up 48% and major parts are up from 70 to 119%. That the price of gasoline is up about 9% and salaries of cab drivers have advanced accordingly. Therefore, their request is rightly based on the "cost of living". Mr. R. E. Crump, President of Yellow Cab Company stated if the increase is allowed, the net profits to the Company will be very little as they will go to employees and for maintenance. He stated he will be glad for the City's auditors to go over their accounts confidentially. Mr. Ervin concurred in the statement for Baker Cab Company.

Mr. Albert Pearson expressed objections to the increase without full investigation by the city. He stated the cab business in Charlotte is now a monopoly; that the colored people, and not the Myers Park citizens, are the ones who will suffer by the increased fare and Cab Companies increased expenses should have nothing to do with it.

Councilman Smith stated he recognizes the merit of the City Attorney's suggestion and as the Cab Companies will furnish financial data, he moved that the request be granted. The motion was seconded by Councilman Hitch conditioned on the City's Accountants securing the financial statements of the companies.

Councilman Albea offered a substitute motion that decision be deferred for one week until the financial statements are received and studied by the City's accountants. The motion was seconded by Councilman Whittington.

Councilman Myers stated that to make an intelligent analysis of their finances, their records would have to be set up on a uniform basis and he believes it would take six months for the accountants to set up the records of each company on a uniform basis, considering services, costs, fringe benefits, etc.

The vote was taken on the substitute motion by Councilman Albea, and carried, with the votes cast as follows:

YEAS: Councilmen Albea, Dellinger and Whittington.

NAYS: Councilman Hitch, Myers and Smith.

Mayor Smith breaking the tied vote in favor of the motion.

MAYOR SMITH LEAVES THE MEETING TEMPORARILY.

Mayor Smith left the meeting temporarily at this time and Mayor pro tem Hitch presided.

JUNIOR LEAGUE REQUESTED TO DEFER WORK ON BUILDING PLACED IN FREEDOM PARK AND CONFER WITH PARK & RECREATION COMMISSION AS TO ANOTHER SITE FOR BUILDING IN PARK.

A delegation of residents of Maryland Avenue and Sterling Road appeared before Council in strong protest of the location of a building in Freedom Park by the Junior League, which was donated to them by Myers Park Presbyterian Church. Mr. Robert Sanders, attorney representing the residents, stated they object to the appearance of the building which

looks like a converted army barracks, and secondly, because of the nuisance it will create and the increased traffic it will bring to the area. He stated the residences in the area are in the price range of \$20,000 to \$30,000 and they fear they will realize a decrease in property valuations because of the shack. He stated further that the building is situated within 10 to 40 feet of the rear lot lines of several of the residents.

Mr. T. E. Cunningham, Mr. Harry Richardson, Mr. S. B. Cardo, Mr. Banks McClintock, and Mr. Everett Roberts, residents of Maryland Avenue and Sterling Road each expressed strong opposition to the location of the building and urged that it be removed to another site in the large park not only because of its appearance but because of the increased traffic it will bring to the area.

Councilman Smith stated he believes Park officials will realize difficulty in finding another suitable location in the park; too, that the foundation has been dug. That he believes when the remodeling of the building is completed it will be entirely acceptable to the community. Councilman Dellinger moved that the Junior League be requested to defer further work on the building until they confer with Park & Recreation officials and see if they cannot work out a more suitable site for the building in the park. The motion was seconded by Councilman Whittington, and carried, with the votes cast as follows:

YEAS: Councilmen Albea, Dellinger, Myers and Whittington.

NAYS: Councilman Smith.

PURCHASE OF MEDALS OF HONOR AUTHORIZED.

Councilman Smith moved that twelve gold medals be purchased including the die of the Medal of Honor, at a total price of \$415.60, and the said amount be transferred from the Emergency Fund (Code 110) to Special Awards (Code 109). The motion was seconded by Councilman Whittington, and unanimously carried.

MAYOR RETURNS TO MEETING AND PRESIDES FOR REMAINDER OF SESSION.

Mayor Smith returned to the meeting at this time and presided for the remainder of the session.

ALL STREET NAME CHANGES ADOPTED WITH EXCEPTION OF EIGHT DEFERRED ONE WEEK FOR FURTHER CONSIDERATION.

Objections to the proposed change in the name of Providence Drive was expressed by Mr. H. Y. Ditto and Mrs. Tom Tassos, who urged that the name remain in effect.

Mr. William Poe, Attorney representing the 17 residents of Windsor Avenue, between Sunset Drive and Poindexter Road, and Mrs. Joe Rudisill, resident of the street, stated there has been no confusion experienced between their street and Windsor Drive and urged that the name remain unchanged.

Mr. Lex Marsh, developer of Sedgefield Subdivision, spoke regarding the proposed change in the name of Sedgefield Road, from South Boulevard to Poindexter Road. He advised the street was named at the time the subdivision was developed, and the principal street in the area is Sedgefield Road from South Boulevard and he feels it should retain the name.

He called attention that this portion of the street contains 170 rental properties, while the east end is made up of 61 privately owned houses; also that Sedgefield Shopping Center, containing 14 stores, is located at the intersection of Sedgefield Road and South Boulevard. He asked that the street name be unchanged.

Mrs. R. B. Holland and Mr. Earl Clanton expressed objections to the proposed change in the name of Princess Street, stating there are eight residences on the street all privately owned and they urged that the name be unchanged.

Mr. J. M. Hesser spoke in opposition to the proposed change in the name of Country Club Drive.

Councilman Dellinger recommended that action on street name changes be deferred for further consideration. Councilman Smith stated in his opinion if the matter is deferred further it will become a political football and the program will be emasculated. He urged that the majority of the name changes be adopted as planned and defer action on a few if the Council so wishes. Councilman Albea stated he thinks all names should be changed as recommended or none; that when it is done on an individual basis it amounts to complete confusion and is not good. Councilman Smith then moved the adoption of all street name changes with the exception of Canterbury Road, Hutchison Avenue, Princess Place, Providence Drive, Robinson Circle, Sedgefield Road, Windsor Avenue and Woodcrest Avenue and that they be deferred temporarily for action on November 23rd. The motion was seconded by Councilman Dellinger, and carried, with the votes cast as follows:

YEAS: Councilmen Dellinger, Hitch, Myers, Smith and Whittington.

NAYS: Councilman Albea.

PAYMENTS FOR RIGHTS-OF-WAY FOR SANITARY SEWER EXTENSION INTO PERIMETER AREA.

Upon motion of Councilman Dellinger, seconded by Councilman Albea, and unanimously carried, payments for rights-of-way for sanitary sewer extensions into the perimeter area were authorized as follows:

W. V. Fidler and wife, Joyce D. Fidler, and Flora Jean Fidler	\$ 107.04
D. L. Phillips and wife, Louise E. Phillips	204.10
Marsh Realty Company	20.00
Tri-Development Corporation	215.25
Mae Yarbrough Threatt	343.40
Harold T. Presson and wife, Dorothy W. Presson	16.00
Amity Country Club, Inc.	75.12
Salem R. Suber, Jr. and wife, Lillian M. Suber	114.20
J. Tom Huntley and wife, Dovie C. Huntley	710.78
M.B. Huntley and wife, Leah P. Huntley, C. B. Barbre, Jr. and wife, Jo. S. Barbre and Roy C. Little	91.06
Josephine Salem	51.50
V. T. Collins and wife, Elizabeth Jones Collins	30.17
B. Robert Lambdon and wife, Barbara Anne Lambden	97.14
Willie Jenkins Hanks and husband, W. W. Hanks	1,341.38
A. C. Rountree and wife, Rebecca W. Rountree	188.35
Howard Counts and wife, Jeannette D. Counts	51.24
TOTAL	\$3,656.73

PAYMENT TO R. B. PHARR & ASSOCIATES FOR RIGHT-OF-WAY SURVEYS FOR SANITARY SEWERS IN SARAH STREET, STEGALL STREET AND BAXTER ROAD.

Councilman Smith moved approval of the payment of \$625.00 from the Sewer Bond Fund to R. B. Pharr & Associates for right-of-way surveys for sanitary sewers in Sarah Street, Stegall Street and Baxter Road. The motion was seconded by Councilman Hitch, and unanimously carried.

EXTENSION OF SICK LEAVE GRANTED GEORGE D. PHILEMON.

Motion was made by Councilman Albea, seconded by Councilman Hitch, and unanimously carried, authorizing the extension of sick leave to December 5th to George D. Philemon, Motor Transport Department employee.

CONTRACT AWARDED KNOXVILLE FOUNDRY COMPANY FOR VALVE BOXES.

Councilman Dellinger moved the award of contract to the low bidder, Knoxville Foundry Company, for 250 Valve Boxes, as specified, at a total price of \$1,762.50, f.o.b. Charlotte, subject to cash discount of \$17.63 representing a net delivered price of \$1,744.87. The motion was seconded by Councilman Albea, and unanimously carried.

The following net delivered bids were received:

Knoxville Foundry Company	\$ 1,744.87
Dewey Bros., Inc.	\$ 1,845.11
Opelika Foundry Co.	\$ 2,123.55

CONTRACT AWARDED CONCRETE PRODUCTS COMPANY FOR CONCRETE METER BOXES.

Upon motion of Councilman Whittington, seconded by Councilman Albea, and unanimously carried, contract was awarded the only bidder, Concrete Products Company for 1,000 #36H, 15-inch Concrete Meter Boxes, as specified, at a total net delivered price of \$4,900.00.

CONTRACT AWARDED GOODALL RUBBER COMPANY FOR RAIN SUITS & HATS FOR MOTOR TRANSPORT DEPARTMENT.

Councilman Hitch moved the award of contract to the low bidder, Goodall Rubber Company for 150 Rain Suits and 130 Rain Hats, as specified, at a total price of \$2,152.00, subject to cash discount of \$43.04, representing a net delivered price of \$2,108.96. The motion was seconded by Councilman Dellinger, and unanimously carried.

The following net delivered bids were received:

Goodall Rubber Company	\$ 2,108.96
Tidewater Supply Co.	\$ 2,114.46
Southern Rubber Co.	\$ 2,201.76
Industrial & Textile Supply Co.	\$ 2,339.26
Mine Safety Appliance Company	\$ 2,394.63
Williams & Shelton	\$ 2,451.57
Little Hardware Co.	\$ 2,869.44

CONTRACT AWARDED MERSON UNIFORM COMPANY FOR SHIRTS FOR POLICE AND FIRE DEPARTMENTS.

Upon motion of Councilman Dellinger, seconded by Councilman Albea, and

unanimously carried, contract was awarded the only bidder, Merson Uniform Company, Inc. for 568 Shirts, as specified, for the Fire Department and 414 Shirts, as specified, for the Police Department, at a total net delivered price of \$3,130.56.

RENEWAL OF SPECIAL OFFICER PERMITS AUTHORIZED.

Upon motion of Councilman Hitch, seconded by Councilman Smith, and unanimously carried, the following Special Officer Permits were authorized renewed for one year:

- (a) Permit to M. M. Hannah, for use on premises of City Cemeteries.
- (b) Permit to the following persons for use on the premises of Federal Reserve Bank:

Oliver W. Parks, Rt. 1, Huntersville, N. C.
 Odus H. Turner, 4018 Avalon Avenue
 Charles O. White, 2213 E. 7th Street
 W. Y. Henderson, Route 9, Box 463 J
 Edgar H. Dellinger, 1026 W. 5th Street
 John E. Pettit, 207 Bradford Drive
 James E. Porter, Rt. 1, Huntersville, N. C.
 Cicero L. Ware, Box 143, N. Belmont, N. C.
 John W. Miller, 3809 Avalon Avenue
 Wade H. Linker, 422 Lyon Street
 Joe L. Puckett, Jr. Rt. 1, Huntersville, N. C.
 Robert H. Horne, 1541 Independence Blvd, N.
 Burnie Snyder, 104 Crest St., Mt. Holly, N. C.
 Clyde Haywood, 3141 Graymont Drive
 Ralph J. Beatty, Rt. 5, Shelby, N. C.
 Paul E. Haeffling, 1210 Lancaster Avenue, Monroe, N. C.
 W. Frank Helderman, 447 Belton Avenue, Mt. Holly, N. C.
 William A. Sherrill, 519 Summit Avenue
 Ralph S. Padgett, Route 7, Box 742
 Paul T. Guin, 338 Scott Street, Mt. Holly, N. C.
 Joseph V. Murray, Jr., 1010 Dale Lane

TRAFFIC OBSTRUCTIONS OF OVERGROWTH OF SHRUBBERY AND TREES ON OAKLAWN AVENUE AUTHORIZED REMOVED.

Mayor Smith presented a petition from eight residents of Oaklawn Avenue requesting the elimination of the heavy overgrowth of shrubbery and wild trees which obstructs the view of the traveling public at the curve in the 1800 block of Oaklawn Avenue, from Mulberry Street to Fairfield Street. It was stated in the petition that residents of the 1900 block making a left hand turn into their driveways cannot see oncoming cars because of the obstruction, and it creates a death trap. Councilman Dellinger moved that the matter be referred to the City Manager to have the obstruction removed. The motion was seconded by Councilman Whittington, and unanimously carried.

CONTRACT AUTHORIZED WITH STATE BOARD OF HEALTH FOR PUBLIC HEALTH ACTIVITIES IN CHARLOTTE FOR FISCAL YEAR 1959-60.

Upon motion of Councilman Myers, seconded by Councilman Hitch, and unanimously carried, contract was authorized with the State Board of Health for public health activities in Charlotte for the fiscal year 1959-60.

RESOLUTION PROVIDING FOR PUBLICATION OF NOTICE OF HEARING BY THE CITY COUNCIL ON PETITION OF CHARLOTTE DEVELOPMENT COMPANY FOR THE ANNEXATION OF 27.28 ACRES OF PROPERTY IN CRAB ORCHARD TOWNSHIP.

The City Manager advised a Petition has been filed by Mr. Ray Bradley, Jr., Attorney, in behalf of his client Charlotte Development Company for the annexation to the City of Charlotte of 27.28 acres of property in Crab Orchard Township. He stated the Engineering, Water and Planning Departments recommend that the property be annexed, as it is in the perimeter area to be annexed on January 1, 1960.

A Resolution Providing for the Publication of Notice of Hearing on the Petition for the Annexation of the Property was introduced and read, and upon motion of Councilman Albea, seconded by Councilman Whittington was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 432.

CERTIFICATION OF FIRE DEPARTMENT TO N. C. INSURANCE DEPARTMENT.

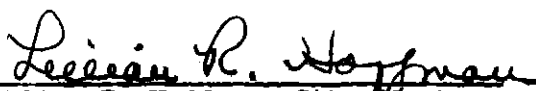
Councilman Dellinger moved approval of the Certification of the Fire Department to the State Insurance Department, in connection with the N. C. Firemen's Pension Fund. The motion was seconded by Councilman Albea, and unanimously carried.

PAYMENT OF OUTSTANDING BALANCE ON GRANDALL MULTI-PURPOSE EXCAVATOR AUTHORIZED FROM POWELL BILL FUNDS TO H. B. OWSLEY & SON, INC. AND LIQUIDATION OF EXISTING LEASE-PURCHASE CONTRACT.

Councilman Whittington moved the payment of \$17,775.00 from Powell Bill Funds to H. B. Owsley & Son, Inc., representing the outstanding balance due them on the lease-purchase of the Grandall Model 2460 Multi-Purpose Excavator, and that the existing lease-purchase contract be liquidated. The motion was seconded by Councilman Smith, and unanimously carried.

ADJOURNMENT.

Upon motion of Councilman Hitch, seconded by Councilman Whittington, and unanimously carried, the meeting was adjourned.


Lillian R. Hoffman, City Clerk