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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Wednesday, April 15, 1953, at 4 o'clock p.m. with Mayor Shaw presiding and Councilmen Albee, Baxter, Coddington, Dellinger and Van Every present.

Absent: Councilman Boyd.

INVOCATION.

The invocation was given by Councilman Philip L. Van Every.

MINUTES APPROVED.

Upon motion of Councilman Baxter, seconded by Councilman Van Every, and unanimously carried, the minutes of the last meeting on April 8th were approved as submitted.

HEARING IN CONNECTION WITH ORDINANCE NO. 174 TO AMEND THE ZONING ORDINANCE BY CHANGING THE BUILDING ZONE MAP FROM R-2 TO B-1 ON PROPERTY AT 1100-1130 EAST 36TH STREET, CONTINUED UNTIL 4 P. M. ON MAY 6, 1953.

Mr. Charles E. Knox, Attorney appeared before Council representing land owners who opposed the change in zoning on property at 1100-1130 East 36th Street, from an R-2 to a B-1 zone, as recommended by the Zoning Board of Adjustment upon the petition of Mr. D. C. Staton on behalf of Spencer Memorial Methodist Church and Mr. P. H. Freeman, 1107 East 36th Street. He filed a petition signed by 43 persons, representing 21 families, and stated this represented 100 percent of the property owners to the rear of the property in question and 40 percent of the property owners in front of the said property.

The City Attorney called attention to the fact, that as the petition represents a protest by 20 percent of adjacent property owners, the amendment to the zoning ordinance could not be effected without a three-fourths vote of the Council, and there are only five members present.

Mayor Shaw asked Mr. Knox if in fairness to the petitioner he would be willing to continue the hearing to a later date when all Councilmen are present, and Mr. Knox stated that it would be satisfactory, but he would like to have his delegation stand, as it might well be they could not be present at a later date.

Councilman Van Every moved that the hearing be continued until 4 o'clock p.m., on Wednesday, May 6th. The motion was seconded by Councilman Baxter, and unanimously carried.

REQUEST OF BOARD OF COMMISSIONERS FOR MECKLENBURG COUNTY THAT DR. BETHEL, CITY HEALTH OFFICER, ACT AS COUNTY HEALTH OFFICER DURING ABSENCE OF DR. HAND, REFERRED TO CITY MANAGER.

Mr. John Watlington, President of the Chamber of Commerce, appeared before Council and advised that the large delegation with him represented the Mecklenburg Medical Society, Board of Directors of the Chamber of Commerce, Health Committee of the Chamber of Commerce, the City Health Board, the Junior Chamber of Commerce, the League of Women Voters and the Charlotte P.T.A. Association, who wished to discuss with the Council the matter of lending Dr. M. B. Bethel, City Health Officer, to the County as Acting Health Officer during the absence of Dr. Hand, County Health Officer.

Mr. Watlington introduced Dr. David G. Welton, President of the Mecklenburg Medical Society, who stated the idea of using the services of Dr. Bethel did not originate with the Society and they are not attempting to force the issue; that the County Board of Health voted to request Dr. Bethel to accept the assignment, and the Medical Society adopted a resolution approving the action of the Board of Health. That they did ask Dr. Bethel

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if the additional work would result in his having too heavy a load and he stated it would not; that the City Health Board advised them that Dr. Bethel is presently doing a good deal of the County health work. That the reason the Society did not consult the City Council was that Dr. Bethel was out of town at the time and it was their thought that he should make formal request of the Council; that they had no intentions of slighting anyone, and if the Council got that impression he wished to offer the apologies of the Medical Society members. He stated further that their only interest is the health of the City and County, and it is their belief that in Dr. Bethel doing the additional work, his service to the City will not be decreased.

Dr. Howard Steiger, Chairman of the City Health Board was next introduced by Mr. Watlington, and stated that it is the opinion of the Health Board members that Dr. Bethel has the time and ability to take over the combined City and County health work. That it is impossible for them to say the amount of the County work now being done by Dr. Bethel; however, it can be judged by the fact that the County Health Budget is \$110,000 and that \$28,000 is paid back to the City for the portion of the County's work that is done by the City Health Department. That the Board members feel that since approximately one-fourth of the County Budget is already being handled by the City Health Department, that Dr. Bethel can carry on the additional work, and they recommend that the Council permit Dr. Bethel to do so.

Dr. Hamilton McKay, Vice-Chairman of the Chamber of Commerce Health Committee, next spoke, stating that the Committee feels it is wise, logical and timely to appoint the City Health Officer as Acting County Health Officer in this emergency, which is temporary. He stated that in his opinion Dr. Bethel is one of the best public health doctors in North Carolina; that he is competent, well trained in public health work, a good executive; that the City and County now share in six public health services; laboratory, vital statistics, communicable diseases, T. B. work, medical clinics and meat inspection and there are only three services which the County Health Officer now looks after in the County independently - public health education, public health nurses and public health sanitation. That the City Health Officer is now doing two-thirds of the work of both the City and County, and it is the opinion of the Board members that he is not too busy to do the additional work for these three services.

Dr. Roy Norton, State Health Officer for North Carolina, stated that if the City Health Officer is permitted to do the combined work that it will in no way affect the allocations of State and/or Federal Funds. That in a good many cities and counties, plans have been worked out for the City Health Officer to serve larger areas. He cited High Point, Greensboro and Guilford County Health Departments as an example. He stated there was a shortage of trained public health personnel in the State, and if the County Health Department is put under a doctor with a private practice, it would mean the work could only be carried on on a part time basis. That Dr. Bethel is an excellent public health officer, has the staff with which to carry on the additional work, and can do the job well. He stated further that the State Health Department will be glad to work with the City in carrying on this additional work.

Mr. Watlington summed up the discussion with the plea that Dr. Bethel be permitted to serve as County Health Officer and meet the needs of this emergency.

Councilman Coddington stated he had had several calls from County people stating they did not want Dr. Bethel to do the County work, and it is his understanding that one of the County Commissioners also does not want him in this capacity. However, if the County Commissioners desire Dr. Bethel to act as County Health Officer, and the City Manager says that he can be spared, then it would meet his approval; however, he did not wish Dr. Bethel placed in the position of working for the County unless the Commissioners wish him to do so.

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Councilman Baxter asked the City Attorney if the law requires that the City Council formally approve the loan of the services of an employee on a temporary basis? To which Mr. John D. Shaw, City Attorney replied that he knew of no special statute to that effect, and is of the opinion that so long as the City's needs are not impaired, and that it is on a temporary basis, that the matter could be properly handled as an administrative matter.

Councilman Baxter then stated that public health must be one of the first concerns of both the City and County, and he moved that the resolution adopted by the City Council on April 8th, concerning the loan of the service of Dr. Bethel be rescinded and that the County's request be referred to the City Manager to be handled as an administrative matter. The motion was seconded by Councilman Van Every, and unanimously carried.

TOMB-STONES AUTHORIZED RE-ERECTED IN OLD SETTLERS CEMETERY ON WEST FIFTH STREET.

Mr. Victor King of the Mecklenburg Times advised the Council that recently an excavation was made at Mercy Hospital for the erection of a building, and the workmen found four tombstones buried rather deep in the ground, where it is assumed at one time a family burial ground existed. The stones bear the date 1764 and are perfectly legible. That the officials of Mercy Hospital stored the stones, but would like to make the proper disposition of them. Mr. King suggested that they be re-erected in the Old Settlers Cemetery on West Fifth Street with a metal marker attached to identify them.

Following the discussion, Councilman Coddington moved that the City cooperate with Mr. King and Mercy Hospital in the moving of the tombstones now stored on the hospital property to the Old Settlers Cemetery, and re-erect them, and that an appropriate marker be attached to the stones concerning their history and origin, and that the City Manager supervise the removal and erection. The motion was seconded by Councilman Albea, and unanimously carried.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON MAY 6TH ON ORDINANCE AMENDING ZONING ORDINANCE TO CHANGE ZONING ON TRACT OF LAND IN 2400 BLOCK OF YADKIN AVENUE.

An ordinance entitled: "Ordinance No. 175 Amending the Zoning Ordinance" to change the Building Zone Map from Residence-2 to Industrial on tract of land in the 2400 block of Yadkin Avenue, was introduced and read. Following which a resolution entitled: "Resolution Providing for a Public Hearing on May 6th on the Amendment to the Zoning Ordinance" was presented and read, and upon motion of Councilman Albea, seconded by Councilman Van Every, was unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 82.

REQUEST FOR CHANGE IN ZONING FROM R-2 TO R-1 ON EAST SIDE OF EASTWAY DRIVE DEFERRED ONE WEEK.

At the suggestion of the City Manager, Councilman Dellinger moved that the request of Mr. James D. Barnett and 25 property owners, for a change in zoning from R-2 to R-1 on the east side of Eastway Drive, from Woodland Avenue south to Independence Boulevard, which was denied by the Zoning Board of Adjustment on April 7th, be deferred for one week. The motion was seconded by Councilman Coddington, and unanimously carried.

NOTICE OF CLAIM OF EULA MOORE FOR PERSONAL INJURIES REFERRED TO CITY ATTORNEY.

The City Manager advised that notice of claim of Eula Moore, 819 Maple Street, has been filed by her attorney, Mr. Uhlman S. Alexander, in the amount of \$3,000.00 for personal injuries alleged to have been sustained from stepping into an open water meter box on Maple Street on March 12, 1953. Councilman Van Every moved that the claim be referred to the City Attorney, which was seconded by Councilman Dellinger and unanimously carried.

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PURCHASE OF RIGHT-OF-WAY AT WEST TRADE AND MARTIN STREETS FOR WIDENING WEST FIFTH STREET.

Motion was made by Councilman Albea, seconded by Councilman Dellinger, and unanimously carried, authorizing the purchase of portion of lot at the southeast corner of West Trade and Martin Streets, together with moving and replacing house and garage, and paving, for right-of-way for the extension of West Fifth Street, from Fannie I. and Darnetta M. Sanders, at a total cost of \$15,000.00.

CONSTRUCTION OF NEW SANITARY SEWERS AUTHORIZED.

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

- (a) 370 feet of sewer main in Wayt Street, at an estimated cost of \$870.00, to serve 6 family units and 11 vacant lots, with all costs to be borne by the City, at the request of B. B. Brookshire, Preston Lane, Charlotte.
- (b) 3,819 feet of sewer main in Hollis Road, Anson Street and Weston Street, being Colonial Village, at an estimated cost of \$10,090.00, to serve 3 family units and 67 vacant lots, at request of John Crosland Company. All costs to be borne by the City, and applicant's required deposit of \$9,490.00 to be refunded as per terms of the contract.
- (c) 250 feet of sewer main in Glenwood Drive, at an estimated cost of \$510.00, to serve 2 family units and 1 vacant lot, with all costs to be borne by the City, at request of D. F. Elliott, 3822 Plainview Road.

CONTRACT WITH DUKE POWER COMPANY FOR POWER SERVICE AT NEW DISPOSAL PLANT AT SUGAW CREEK SEWAGE TREATMENT PLANT.

Councilman Coddington moved that contract be authorized with the Duke Power Company, for Power Service at the new Disposal Plant No. 2, at the Sugaw Creek Sewage Treatment Plant, as recommended by the City Manager. The motion was seconded by Councilman Dellinger, and unanimously carried.

CONTRACTS FOR CONSTRUCTION OF WATER MAINS AUTHORIZED.

Motion was made by Councilman Van Every, seconded by Councilman Coddington, and unanimously carried, authorizing contracts for the construction of water mains as follows:

- (a) Contract with L. L. Lassiter and Paul V. Oates, for the construction of 3,300 feet of main and 2 hydrants in Pharr Acres, outside the city, at an estimated cost of \$7,240.00, to serve residential property. All costs to be borne by the applicants who will own mains until territory is taken into the city.
- (b) Contract with H. G. Nash, Jr., for the construction of 500 feet of main in Brookdale Subdivision, outside the city, at an estimated cost of \$700.00, to serve residential property. All costs to be borne by the applicant, who will own main until territory is taken into the city.
- (c) Contract with American Trust Company, Trustee for Parks Land Company, for the construction of 3,215 feet of main and 5 hydrants, in Lockwood Subdivision abutting on Hutchinson Avenue and West 24th Street, at an estimated cost of \$12,041.47, to serve industrial property. All costs to be financed by the applicant, who will be reimbursed the cost if and when the revenue from the lines equals 5% of the total construction cost.

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CONTRACT AWARDED CITY CHEVROLET COMPANY FOR FOUR CARS FOR POLICE DEPARTMENT.

Councilman Dellinger moved that contract be awarded City Chevrolet Company for four Chevrolets, Model 2103, as specified, for the sum of \$7,181.20, subject to cash discount of \$817.80. The motion was seconded by Councilman Coddington, and unanimously carried.

SALE OF THREE USED POLICE CARS AUTHORIZED.

Councilman Van Every moved that the sale of three used Police Cars, at a total price of \$2,295.00, be authorized as recommended by the City Manager. The motion was seconded by Councilman Coddington, and unanimously carried.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

Upon motion of Councilman Dellinger, seconded by Councilman Coddington and unanimously carried, the construction of new driveway entrances was authorized at the following locations:

- (a) Two 16-ft. driveways at 1303 Union Street.
- (b) One 40-ft. and One 34-ft. driveways at 2700-2706 S. Tryon St.
- (c) One 20-ft. driveway on Berryhill Road and One 20-ft. driveway on New Thrift Road, for 2122 New Thrift Road.
- (d) Extension of present 11.5-ft. driveway 8.5-feet to make a total 20-ft. driveway at 522 South Tryon Street.

ISSUANCE AND RENEWAL OF SPECIAL OFFICER PERMITS AUTHORIZED.

Motion was made by Councilman Coddington, seconded by Councilman Van Every, and unanimously carried, authorizing the issuance and renewal of Special Police Officers, as follows:

- (a) Issuance of Permits to Thomas Tanner, 137 State Street and Henry O. Green, 1230 Hemlock Street, for use on the premises of Southern Bell Telephone Company, 208 N. Caldwell Street.
- (b) Renewal of Permit for one year to T. P. Fowler for use on the premises of Southern Bell Telephone Company.

TRANSFER OF CEMETERY DEEDS APPROVED.

Upon motion of Councilman Dellinger, seconded by Councilman Coddington, and unanimously carried, the Mayor and City Clerk were authorized to execute deeds for the transfer of the following cemetery lots:

- (a) Deed to J. E. Dowd and wife, for Lot #223, Section 2, Evergreen Cemetery, at \$509.15.
- (b) Deed to Mrs. M. G. Hunter for Perpetual Care on Lot 23, Section B, Elmwood Cemetery, at \$144.00.
- (c) Deed to F. Elizabeth Frazier, for Perpetual Care on northwest quarter of Lot 45, in Section "Johnson Annex", Pinewood Cemetery, at \$25.00.

ADJOURNMENT.

Upon motion of Councilman Van Every, seconded by Councilman Baxter, and unanimously carried, the meeting was adjourned.

City Clerk