

A regular meeting of the City Council was held in the Council Chamber, City Hall, at 11 o'clock a.m., on Wednesday, April 19, 1950, with Mayor Shaw presiding, and Councilmen Aitken, Albea, Boyd, Daughtry, Jordan and Wilkinson present.

Absent: Councilman Coddington.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Aitken, and unanimously carried, the minutes of the last meeting were approved as submitted.

ORDINANCE (No. 98) AMENDING THE ZONING ORDINANCE, ADOPTED.

A hearing was held on an Ordinance (No. 98) to Amend the Zoning Ordinance, by changing the Building Zone Map from an R-1 to an R-2 district on property located in the 1000 block of Pecan Avenue and 2000 block of Shenandoah Avenue.

No objections were registered to the zoning change.

Upon motion of Councilman Wilkinson, seconded by Councilman Aitken, and unanimously carried, the ordinance was adopted. Ordinance is recorded in full in Ordinance Book 11, at Page 112.

PETITION PRESENTED OPPOSING TAXICAB METERS AND REQUESTING CAB CRUISING BE ALLOWED.

Mrs. Constance McLeod, a resident of Statesville Avenue, filed a petition bearing 450 signatures which she stated contained the names of all workers of Belvedere Hosiery Company, opposing the taxicab meter system, and requesting that cabs be permitted to cruise for passengers, as in cities of comparable size. Mrs. McLeod stated because of the high fares she had been forced to purchase a car for transportation to and from her office in the Law Building.

Mayor Shaw advised that in his opinion the taxicab situation has improved under the system, and the majority of the Council desires to give it a fair trial. Mrs. McLeod indicated that further petitions, and protests against the system, will be filed with Council.

ORDINANCE (NO. 99) ESTABLISHING BUILDING SETBACK LINES ON WEST STONEWALL STREET, FROM SOUTH CHURCH TO SOUTH GRAHAM STREET, ADOPTED.

Mr. Hunter Jones, Attorney, appeared before Council in behalf of his clients, Piedmont Curtain and Shade Company, and Mr. Claude Fullbright, relative to the establishment of building setback lines and the widening of West Stonewall Street. Mr. Jones stated the Piedmont Curtain and Shade Company has purchased a lot on West Stonewall Street on which to locate a warehouse and show-room, and they will expect the City to pay for the use of their lot when it is damaged or taken over by the City in the widening of Stonewall Street.

He further advised that the Blacksmith Shop located at 325 West Stonewall Street, ^{operated} by Mr. Fullbright will be seriously affected by the selection of either of the routes proposed for the widening of the street; however,

that of the three routes indicated on the Survey Map, Route #1 (green lines) will incur the least damage. He urged the adoption of Route #1 at least to Mint Street. Mr. Jones advised there is only 14-feet of space at the rear of their property which would not permit sufficient construction to replace any portion of the front of the building that is damaged. He stated that the selection of either Route #2 or #3 would irreparably injure his client.

Mr. Theodore Smith advised he owns vacant property on both sides of Stonewall Street, near Mint Street, and is opposed to the use of his property for street widening; however, that he would realize the least damage by Route #1 (green lines on Survey Map).

Mr. Grainger Pierce, representing The Piedmont Cold Storage Corp., located at 300 West Stonewall Street, urged that the establishment of building setback lines be viewed in the light of the least cost to the taxpayers. He stated the selection of either Routes #1 or #2 would seriously affect his client; that the Company's long trucks would be unable to clear the street in loading and unloading at their platform. He advised if Route #1 is selected the Company will be forced out of business entirely. Mr. Pierce requested that Route #3 (indicated in red lines on the Survey Map), which he termed the compromise route, be selected, which will be the least damaging to his client and will then only give him sufficient space to operate his business.

Following the discussion, Councilman Aitken moved that the route first submitted by the Engineering Department and now designated as Route #1 (indicated in green lines on the Survey Map) be adopted. Motion was seconded by Councilman Albea.

The City Manager and City Engineer recommended that Route #3 (red lines on Map) be selected from Mint Street to Graham Street.

Councilman Aitken offered an amendment to his motion that Route #1 (green lines) be adopted from South Church Street to Mint Street, and Route #3 (red lines) from Mint Street to South Graham Street. The amendment was accepted by Councilman Albea, and carried, with the votes cast as follows:

AYE: Councilmen Aitken, Albea, Boyd, Daughtry and Jordan.
NAY: Councilman Wilkinson.

The ordinance entitled, "Ordinance (No. 99) Providing for the Establishment of Building Setback Lines on West Stonewall Street from Church Street to Graham Street", containing the Routes as proposed in Councilman Aitken's motion, was introduced and read, following which Councilman Aitken moved the adoption of the ordinance. Motion was seconded by Councilman Albea, and unanimously carried. Ordinance is recorded in full in Ordinance Book 11, beginning at Page 113.

Mr. Pierce then registered a formal protest in behalf of his clients, Piedmont Cold Storage Corp., and Piedmont Engineering Corp., against the selection by the City of a route that will irreparably damage his clients and for the expense incurred against the property owners of the City of Charlotte.

RESOLUTION REQUESTING TERMINATION OF FEDERAL RENT CONTROL IN THE CITY OF CHARLOTTE, ADOPTED.

A resolution entitled, "Resolution Requesting the Termination of Federal Rent Control in the City of Charlotte" was introduced and read. Councilman Wilkinson moved the adoption of the resolution. Motion was seconded by Councilman Daughtry.

Councilman Boyd stated he would support the resolution if it was changed to provide for filing the application for the decontrol of rent directly with the Housing Expediter instead of with Governor Scott.

The City Attorney advised that the Federal Rent Control law makes it mandatory that such applications be made through the Governor. That the Housing Expediter may lift rent controls but when an application for the decontrol is filed by a municipality it must go through the Governor.

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

AYE: Councilmen Aitken, Daughtry, Jordan and Wilkinson.
NAY: Councilmen Albea and Boyd.

Resolution is recorded in full in Resolutions Book 1, at Page 273.
REQUEST FOR TAXICAB FRANCHISE BY E. R. BAKER FOR CABS NOW OPERATING UNDER RED TOP CAB COMPANY, DEFERRED.

Action was deferred on the request of Mr. E. R. Baker to withdraw his five taxicabs now operating under the Red Top Cab Company and for a franchise to operate these and additional cabs by his own company on the Call System.

SETTLEMENT OF CLAIM OF R. H. HILLER.

Upon motion of Councilman Aitken, seconded by Councilman Jordan, and unanimously carried, the claim of Mr. R. H. Hiller for damages to his car while being transported by the City for parking violation, was authorized paid in the full amount of \$12.68, as recommended by the City Attorney.

TREE REMOVALS AUTHORIZED.

Motion was made by Councilman Aitken, seconded by Councilman Jordan, and unanimously carried, authorizing the removal of trees from the following locations:

- (a) Tree in Devonshire Development, Dilworth, which obstructs the construction of a new street.
- (b) Tree at 615 Cherokee Road which interferes with the location of a driveway.

CONSTRUCTION OF NEW SANITARY SEWERS AUTHORIZED.

Councilman Albea moved approval of the construction by the City of new sanitary sewers at the following locations; which motion was seconded by Councilman Wilkinson, and unanimously carried:

- (a) 169-feet of sewer in Concordia Avenue, at an estimated cost of \$400.00, to serve 2 family units and 4 vacant lots.
- (b) 267-feet of sewer in Eastway Drive, at an estimated cost of \$540.00, to serve 5 family units and 3 vacant lots.
- (c) 28-feet of sewer in Sprunt Street, at an estimated cost of \$80.00, to serve one family unit.
- (d) 303-feet of sewer in Virginia Avenue, at an estimated cost of \$480.00, to serve 2 family units and 3 vacant lots. Applicant's deposit of \$80.00 to be refunded in accordance with the terms of the contract.
- (e) Trunk Sewer and main in DeArmon Drive, at an estimated cost of \$2,600.00, to serve 9 family units and 15 vacant lots. Applicant's deposit of \$244.00 to be refunded in accordance with the terms of the contract.

PORTION OF LYNHURST AVENUE TAKEN OVER FOR MAINTENANCE.

Upon motion of Councilman Aitken, seconded by Councilman Jordan, and unanimously carried, Lynhurst Avenue, from Magnolia Avenue to Meacham Street, was taken over for maintenance.

CONTRACT AUTHORIZED WITH C. D. SPANGLER CONSTRUCTION COMPANY FOR WATER MAINS IN DOUBLE OAKS DEVELOPMENT, FOR NEWLAND APARTMENTS.

Councilman Jordan moved that contract be authorized with C. D. Spangler Construction Company for the construction of 3,055 feet of water mains and two fire hydrants in Double Oaks Development, to serve Newland Apartments, at an estimated cost of \$7,270.00; the City to finance all costs and applicant to guarantee a gross annual revenue equivalent to 10% of said costs. Motion was seconded by Councilman Aitken, and unanimously carried.

CURB CUTS AUTHORIZED.

Motion was made by Councilman Wilkinson, seconded by Councilman Aitken, and unanimously carried, authorizing the following curb cuts for driveways:

- (a) 8-foot curb cut at 3124 Windsor Drive.
- (b) 12-foot curb cut at 1232 Kings Drive.
- (c) Two 30-foot curb cuts on Thrift Road, at Rulane Gas Company.
- (d) One 11-foot curb cut at 1300 Kings Drive.
- (e) One 15-foot curb cut at 2729 Hampton Avenue.

PLAT OF MARSH ESTATES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Aitken, and unanimously carried, the Plat of Marsh Estates, located in Camp Greene area, was approved as recommended by the Planning Board.

APPLICATION FOR ADDITION TO NORTH STATE LAUNDRY BUILDING APPROVED.

Motion was made by Councilman Aitken, seconded by Councilman Albea, and unanimously carried, approving the application for the construction of an addition to the North State Laundry building.

CONTRACT AUTHORIZED WITH THE DOWD PRESS, INC., FOR PRINTING WATER BILL FORMS.

Councilman Aitken moved that contract be authorized with The Dowd Press, Inc., for printing 400,000 Water Bill Forms, as specified, at a net delivered price of \$1,386.00. Motion was seconded by Councilman Daughtry, and unanimously carried.

TRANSFER OF FUNDS FROM EMERGENCY FUND TO TRAFFIC ENGINEERING DEPARTMENT.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, the transfer of \$6,553.00 from the Emergency Fund (Code 110) was authorized to the Traffic Engineering Department, \$1,853.00 of which to Code 1518 and \$4,802.00 to Code 518 B-57, for Signals installation, Traffic Zone paint and Signs.

SPECIAL OFFICER PERMITS RENEWED.

Motion was made by Councilman Albea, seconded by Councilman Wilkinson, and unanimously carried, authorizing the renewal of Special Officer Permits to E. T. Watson and Price A. Kelly, for use on the premises of The American Trust Company.

TRANSFER OF CEMETERY LOTS AUTHORIZED.

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

- (a) Deed to Mrs. Laura G. Graham, for Lot 71, Section 3, Evergreen Cemetery, at \$156.00.
- (b) Deed to L. E. Myers, for northwest quarter of Lot 173, Section 3, Evergreen Cemetery, at \$26.00.
- (c) Deed to Mrs. C. D. Brady, for Lot 81, Section 4-A, Evergreen Cemetery, at \$81.90.

- (d) Deed to George Matson, for northwest quarter of Lot 171, Section 3, Evergreen Cemetery, at \$26.00.
- (e) Deed to Mrs. Mamie M. McDonald, for Lot 66, Section 3, Evergreen Cemetery, at \$156.00.
- (f) Deed to Frank F. DeVenny, for Lot 338, Section 3, Evergreen Cemetery, at \$122.85.
- (g) Deed to Mrs. Helen Pickard, for southwest quarter of Lot 172, in Section 3, Evergreen Cemetery, at \$26.00.
- (h) Deed to Mrs. George E. Fields, Admin., for Perpetual Care on Lot 204, Section Q, Elmwood Cemetery, at \$100.00.

UNANIMOUS CONSENT GIVEN PRESENTATION OF UNDOCKETED ITEMS.

Upon motion of Councilman Jordan, seconded by Councilman Aitken, the unanimous consent of Council was given the presentation by the City Manager of the following undocketed items.

EMPLOYMENT OF THREE ADDITIONAL PERSONNEL IN POLICE DEPARTMENT AND TRANSFER OF FUNDS THEREFOR FROM EMERGENCY FUND, AUTHORIZED.

Councilman Daughtry moved that the employment of three additional personnel in the Police Department to serve as Telephone Operators at salaries of \$150.00 per month, be authorized, and that \$900.00 therefor be transferred from the Emergency Fund (Code 110) to the Police Department Budget, Salary Account (Code 401 A-8), as recommended by the City Manager.

TRANSFER OF FUNDS FOR USE BY NATURAL GAS COMMITTEE.

Motion was made by Councilman Aitken, seconded by Councilman Daughtry, and ^{it}unanimously carried, authorizing the transfer of \$950.00 from the Emergency Fund (Code 110) to Natural Gas Committee, (Code 109) Special Appropriations, as recommended by the City Manager.

TRANSFER OF FUNDS TO AIRPORT CAPITAL FUND, FOR USE BY HOWARD HUGHES AMERICAN LEGION POST No. 273 ON AIRPORT PROPERTY TO BE USED AS CLUB HOUSE.

Upon motion of Councilman Daughtry, seconded by Councilman Wilkin-son, and unanimously carried, \$450.00 was authorized transferred from the Emergency Fund (Code 110) to Airport Capital Outlay Fund (Code 1506-A G-2) to be used by The Howard Hughes American Legion Post No. 273, for removal and renovation of building on Airport property for use as a club house, as recommended by the City Manager.

ADJOURNMENT.

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

Lillian R. Haffman
City Clerk