

A regular meeting of the City Council was held in the Council Chamber, City Hall, at 4 p.m., on Wednesday, April 27, 1949, with Mayor Baxter presiding, and Councilmen Albea, Childs, DeLaney, Jordan, and White present.

Absent: Councilman McKee.

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, the minutes of the last meeting, on April 20th, were approved as submitted.

CHANGES REQUESTED IN ZONING OF TERRITORY ANNEXED JANUARY 1, 1949.

Requests for changes in the zoning classifications of the area annexed on January 1st were made as follows:

Mr. Lee Heath requested that the property on Vernon Drive purchased by himself and Mr. Fred Wiggins prior to the adoption of the original Zoning Ordinance, be zoned as a Residence-2 district instead of Residence-1 as recommended by the Zoning Commission. Mr. Heath stated they would realize a financial loss if they were not able to use the property for apartment houses.

Mr. Rex Gribble, resident of Hassell Place, Mr. T. B. Hawkins, and Mr. Charles Wheatley of Pinehurst Place, urged that the Wakefield Farm Property be reclassified as Residence-1 district in lieu of Residence-2 as approved by the Council on April 20th. They stated the erection of the contemplated large apartment building in this area, and adjacent to their new homes, will decrease the valuation of their property as well as congest the parking area within the vicinity.

No action was taken by the Council on these requests. Mayor Baxter advised these gentlemen that their appeals would have to be presented to the Board of Adjustment for Zoning.

REQUEST BY THE REVEREND C. H. DOOLEY FOR PAYMENT FOR DAMAGES TO CAR REFERRED TO THE CITY ATTORNEY.

The Reverend Mr. C. H. Dooley requested the payment of \$40.00 for repairs to his car damages by a garbage truck in the 2500 block of Daniels Street on April 1, 1949. He stated the truck backed from the driveway of a residence, where it had been parked, and he was unable to avoid it striking and damaging the doors and side of his Nash. He further advised his claim had been filed with the City, and he had been advised by the City Manager that under the ruling of the City Attorney the claim could not be paid. Mr. Shaw, City Attorney, stated he file on the subject given him by the City Manager disclosed that both cars were in motion at the time of the accident, and he could, therefore, not certify that Mr. Dooley was not guilty of contributory negligence.

Mayor Baxter advised Mr. Dooley that the matter would be re-considered following a further investigation of the accident by Mr. Shaw.

ORDINANCE (NO. 65) TO PROVIDE ZONING FOR THE TERRITORY TAKEN INTO THE CITY OF CHARLOTTE JANUARY 1, 1949, AND, ALSO TO ESTABLISH LIGHT INDUSTRIAL ZONES.

An ordinance entitled, "AN Ordinance To Provide Zoning for the Territory Taken Into The City of Charlotte January 1, 1949, and, Also To Establish Light Industrial Zones" was introduced and read, and upon motion of Councilman White, seconded by Councilman Childs, unanimously carried. The Ordinance is recorded in full in Ordinance Book 11, at Page 32.

ACQUISITION OF 19 FEET OF PROPERTY ALONG SOUTH TRYON AND SOUTH COLLEGE STREETS FOR WIDENING OF STONEWALL STREET, FROM BENEVOLENT PROTECTIVE ORDER OF ELKS.

Motion was made by Councilman Jordan, seconded by Councilman Childs, and unanimously carried, authorizing the acquisition of 19 feet of property along Stonewall Street, from Tryon Street to SbllegalStreet, and fronting 19 feet on Tryon Street and 19 feet on College Street, from the Benevolent Protective Order of Elks for the sum of \$26,600.00.

CONTRACT WITH LEE KINNEY FOR SERVICES IN CONNECTION WITH THE PROCUREMENT OF RIGHTS-OF-WAY FOR SUGAW CREEK SEWER LINE.

Councilman Childs moved that contract be authorized with Mr. Lee Kinney, in the amount of \$8,000.00, in complete settlement for his services in procuring all rights-of-way for the Sugaw Creek Sewer Line, Motion seconded by Councilman White, and unanimously carried.

REMOVAL OF TREE FROM PLANTING STRIP AT 2210 HOPEDALE AVENUE.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, Mr. J. W. Thompson was authorized to remove a dead tree from the planting strip at his residence at 2210 Hopedale Avenue.

STREETS IN SEDGEFIELD SUBDIVISION TAKEN OVER FOR MAINTENANCE.

Motion was made by Councilman Albea, seconded by Councilman Jordan, and unanimously carried, authorizing taking over the maintenance of the following streets in Sedgefield Subdivision:

- (a) Sedgefield Road, from S. Boulevard to Berkshire Road.
- (b) Haverford Place, from Sedgefield Road to Poindexter Drive.
- (c) Berkshire Road, from Sedgefield Road to Oakcrest Place.
- (d) Oakcrest Place, from Berkshire Road to Poindexter Drive.
- (e) Wriston Place, from Sedgefield Road to Marsh Road.

CONTRACTS FOR THE CONSTRUCTION OF NEW SANITARY SEWER MAINS.

Councilman Childs moved that contracts be authorized with the following concerns for the construction of new sanitary sewer mains. Motion seconded by Councilman Albea, and unanimously carried:

- (a) Contract with A. C. Garrison, for sewer construction in Yale Place, at an estimated cost of \$652.30, to serve one house erected and six vacant lots.
- (b) Contract with C. D. Spangler, Pres. Dixie Manor, for sewer construction in Florida Avenue, at an estimated cost of \$267.80, to serve three houses started and 3 vacant lots.
- (c) Contract with C. D. Spangler, Dixie Homes, Inc., for sewer construction in Double Oaks Road, from Oaklawn Avenue north to Statesville Ave. trunk sewer, at an estimated cost of \$4,545.97.
- (d) Contract with E. C. Griffith Company, for sewer construction in South Summit Avenue, from Irwin Creek outfall sewer north toward Bryant Street, at an estimated cost of \$1,173.70.

CONTRACT WITH DIXIE HOMES, INC. FOR CONSTRUCTION OF WATER MAINS AND FIRE HYDRANTS IN DOUBLE OAKS ROAD.

Upon motion of Councilman White, seconded by Councilman Albea, and unanimously carried, contract was authorized with Dixie Homes, Inc., for the construction of 1600 feet of water mains and 2 fire hydrants in Double Oaks Road, at an estimated cost of \$5,500.00.

AGREEMENTS FOR THE PURCHASE OF WATER MAINS LOCATED IN ANNEXED AREA.

Motion was made by Councilman White, seconded by Councilman Childs, and unanimously carried, authorizing agreements with the following persons for the purchase of water mains located in the areas annexed on January 1, 1949, payment for which to be made by the City within 12 months from date of contract, without interest and after funds are available:

- (a) Contract with D. E. Drye, for 3496 feet of main in Chesterfield Ave., Briar Creek Road and Shenandoah Avenue, at a total price of \$5,711.19.
- (b) Contract with H. G. Fleming, for a fire hydrant located at the intersection of Tuckaseegee Road and Enderly Road West, at a price of \$228.05.
- (c) Contract with The Stephens Company, for 5972 feet of main in Croydon Road, Sterling Avenue, Sterling Road, Maryland Avenue, Roswell Avenue and Normandy Avenue, at a total price of \$3,113.26.
- (d) Contract with Ben E. Douglas, for 5960 feet of main in Carolyn Drive, at a total price of \$2,674.21.

SPECIAL OFFICER PERMIT TO E. F. ZIEVERINK.

Upon motion of Councilman Albea, seconded by Councilman Childs, and unanimously carried, a Special Officer Permit was authorized issued to Mr. E. F. Zieverink, 2326 Overhill Road, for use on the premises of the American Trust Company.

UNANIMOUS CONSENT GIVEN FOR THE PRESENTATION OF UNDOCKETED ITEM.

Upon motion of Councilman Albea, seconded by Councilman Childs, the unanimous consent of Council was given the presentation of the following undocketed item.

TRANSFER OF FUNDS TO VETERANS RECREATION AUTHORITY.

Councilman Childs moved that \$15,000.00 be transferred from the Special Appropriations Account, City School Commission for Open Streets and Construction of Bridge (Code 109) to the Veterans Recreation Authority Account (Code 109). Motion seconded by Councilman Jordan, and unanimously carried.

ADJOURNMENT.

Upon motion of Councilman Albea, which unanimously carried, the meeting was adjourned.

  
City Clerk