

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Wednesday, August 6, 1952, at 4 o'clock p.m., with Mayor Shaw presiding, and Councilmen Albea, Baxter, Boyd, Coddington, Dellinger and Jordan present.

Absent: Councilman Van Every.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Albea, and unanimously carried, the minutes of the last meeting on July 23rd were approved as submitted.

ORDINANCE NO. 153 AMENDING THE ZONING ORDINANCE BY CHANGING THE BUILDING ZONE MAP FROM R-2 TO B-1 ON REAR PORTION OF LOT AT SOUTHEAST INTERSECTION OF HERRIN AVENUE AND PLAZA ROAD.

The scheduled hearing was held in connection with the Ordinance Amending the Zoning Ordinance to change the Building Zone Map from R-2 to B-1 on the rear portion of lot at the southeast intersection of Herrin Avenue and Plaza Road. The ordinance was presented and read. No objections were registered to the proposed zoning change. Upon motion of Councilman Jordan, seconded by Councilman Baxter, and unanimously carried, the ordinance was adopted. The ordinance is recorded in full in Ordinance Book 11, at Page 246.

RESOLUTION AUTHORIZING EXECUTION OF QUITCLAIM DEED TO TRACT OF LAND FRONTING ON OAKDALE ROAD TO PAW CREEK AMERICAN LEGION POST NO. 353, INC.

A resolution entitled, "Resolution Authorizing the Execution of Quitclaim Deed to Tract of Land Fronting on Oakdale Road, to Paw Creek American Legion Post No. 353, Inc.", was introduced and read. Councilman Jordan moved the adoption of the resolution, which was seconded by Councilman Dellinger, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 4.

QUITCLAIM DEED TO OLD PARK TERRACE TRIANGULAR TRACT OF LAND, NOW FRONTING ON INDEPENDENCE BOULEVARD, AUTHORIZED CONTINGENT UPON APPROVAL OF PARK AND RECREATION COMMISSION AND RIGHT-OF-WAY EASEMENT ACROSS PROPERTY.

Mr. J. W. Alexander, Jr., Attorney representing Mr. Wilson R. White, owner of lot fronting on Independence Boulevard, formerly fronting on Park Terrace, requested that a quitclaim deed be given by the City to the small triangular tract of land adjacent to the White property, formerly a part of the Municipal Rose Garden property and cut off by the construction of Independence Boulevard. Mr. Alexander advised that Mr. White will be glad to give the City a right-of-way easement to the property and restrict it to buildings, if the City so desires.

It was explained that the Park and Recreation Commission holds title to the Rose Garden property and the City cannot give a quitclaim deed to Park property.

Councilman Boyd moved that the Mayor and City Clerk be authorized to execute a quitclaim deed to the property, provided that the officials of the Park and Recreation Commission join in such action, and provided further that Mr. Wilson R. White delivers to the City a right-of-way easement to the facilities in the street. The motion was seconded by Councilman Coddington, and unanimously carried.

ATTORNEY FOR PROPERTY OWNERS ON OR NEAR OLD DIXIE ROAD FILES COMPLAINT THAT SECTION OF ROADWAY CLOSED AND NEW ROADWAY NOT COMPLETED AND GIVES NOTICE THAT CITY WILL BE HELD RESPONSIBLE FOR DAMAGES TO CLIENTS AND THEIR PROPERTY BY REASON OF USE OF ROADWAY.

Mr. Howard Arbuckle, representing property owners on and/or near old Dixie Road, appeared before Council and advised that the old section of Dixie Road was closed today and the new section has not yet been completed, and that in the settlement of the/^{recent}condemnation suit against the City, who wished to acquire the property for the extension of an Airport runway, the City and State Highway Department agreed, and the Court record will so indicate,".....that the part of Dixie Road to be relocated shall be and remain open until the new section is relocated and reconstructed and opened to traffic." He further advised that he had contacted by phone Mr. Brookes Peters, General Counsel for the State Highway Commission, who stated it was his understanding that the roadway would not be closed until the new section is opened; also, that Mr. J. Lester Wolfe, Clerk of Mecklenburg County Superior Court, advised the same. He stated that the City Manager advised him today that Mr. Burgin, resident engineer for the State Highway Department had authorized the closing of the road, but that he had been unable to reach him today.

Mr. Yancey, City Manager, advised that the City is without authority in the matter; that the contract for the reconstruction of the road was signed by the National Guard who will use the runway, and the State Highway Commission was constructing the road. Mr. Yancey stated that when the suit was compromised and additional funds paid out, he was assured by all of the Attorneys involved in the action that there would be no further litigation in the matter. Therefore, Mr. Yancey did not feel that the presentsituation is any matter of the City's.

Mr. Arbuckle wished the City to direct that the old Dixie Road to opened for the use of his clients. He advised further that if his clients desire, an injunction will be taken out against the City. He gave notice to the Council that the City will be prosecuted for any damages to his clients.

REQUEST THAT COMPANY BE PERMITTED TO BACK TRUCKS IN AND/OR ACROSS WEST FIRST STREET FOR LOADING AND UNLOADING AT 127 WEST FIRST STREET.

Mr. H. S. Bost, Realtor, advised that he has a prospect who desires to rent a building at 127 West First Street but cannot use the alley for his trucks to load and unload, and desires to back his trucks in and/or across West First Street to the front of the building for loading and unloading.

Following the discussion, Councilman Jordan moved that the matter be investigated by the City Manager at the earliest possible time and the request be granted if found feasible by the City Manager. The motion was seconded by Councilman Albea, and unanimously carried.

RESOLUTION APPROPRIATING \$31,500.00 TO PARK AND RECREATION COMMISSION FROM UNAPPROPRIATED RESERVE ACCRUED FROM A.B.C. SOURCES, ADOPTED.

Councilman Baxter introduced the following resolution, and following the reading thereof moved its adoption:

"BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

That the sum of \$31,500.00 be appropriated to the Park and Recreation Commission from the unappropriated reserve accruing from A.B.C. sources."

The motion was seconded by Councilman Albea.

Councilman Boyd offered a substitute motion that \$64,600.00 of the \$100,035.00 A.B.C. funds be used to reduce the tax rate for 1952-53 by two cents, and that the remainder of said funds be appropriated to the Park and Recreation Commission. The motion did not receive a second.

The vote was then taken on the main motion by Councilman Baxter and unanimously carried, and the resolution was adopted. The resolution is recorded in full in Resolutions Book 2, at Page 5.

REMAINDER OF \$100,035.00 A.B.C. FUNDS PLACED IN RESERVE FOR AIRPORT IMPROVEMENTS PROJECT AFTER APPROPRIATION OF \$31,500.00 MADE THEREFROM TO THE PARK AND RECREATION COMMISSION.

Councilman Coddington moved that the remainder of the \$100,035.00 A.B.C. funds, after \$31,500.00 of said amount was appropriated to the Park and Recreation Commission, be placed in reserve for the Airport Improvements Project. The motion was seconded by Councilman Baxter, and carried, with the votes cast as follows:

AYE: Councilmen Albea, Baxter, Coddington, Dellinger and Jordan.

NAY: Councilman Boyd.

REQUEST FOR PERMISSION TO CONSTRUCT 30 FOOT DRIVEWAY ENTRANCE THROUGH CENTER PLANTING STRIP ON THE PLAZA IN FRONT OF DIXIE HOME STORES DEFERRED TWO WEEKS IN ORDER THAT INTERESTED CITIZENS OF AREA MAY BE HEARD IF DESIRED.

The request of Mr. Robert Hovis for permission to the owners of the Dixie Home Store property, Mrs. Robert Hovis and Mrs. Ruben Hatcher, to construct at their expense a driveway through the center strip in the first block of The Plaza, in front of Dixie Home Store, was presented and considered. Councilman Boyd stated that in view of the fact that a similar request for this driveway was made and denied within the last two years, the citizens of the area having expressed strong opposition to its construction, and in view of the fact that these citizens were advised that should the matter again be presented, they would be given an opportunity to be heard before Council action was taken, that he moved that action be deferred for two weeks in order that any citizen may present his views, if he so desires. The motion was seconded by Councilman Albea, and unanimously carried.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED AT VARIOUS LOCATIONS.

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

- (a) Two 25 ft. entrances at 500 East 36th Street.
- (b) Two 24 ft. entrances at 2700 South Boulevard, One 30 ft. entrance at 2707 S. Boulevard and Three 24 ft. entrances at 2715-17-19 S. Boulevard.
- (c) One 25 ft. entrance at 2433 S. Boulevard.
- (d) Three 20 ft. entrances on north side of Bryant Street for entrance to Grinnell Co. parking Lot.
- (e) One 10 ft. entrance at 1930 Maryland Avenue.
- (f) One 10 ft. entrance at 623 Romany Road.
- (g) One 12 ft. entrance at 1709 E. Boulevard.
- (h) One 15 ft. entrance at 810 W. Trade Street.
- (i) One 10 ft. entrance at 1609 Kenilworth Ave.

ORDINANCE NO. 154-X FIXING THE TAX RATE FOR THE FISCAL YEAR 1952-53.

An ordinance entitled, "Ordinance No. 154-X Fixing the Tax Rate for the City of Charlotte, N.C., for the fiscal year 1952-53 and Levying a tax upon all Real and Personal Property located within the limits of the City of Charlotte for the said fiscal year" was introduced and read. Councilman Baxter moved the adoption of the ordinance, which was seconded by Councilman Dellinger, and unanimously carried. The ordinance is recorded in full in Ordinance Book 11, at Page 247.

RESOLUTION TO ADVANCE MONEY FROM GENERAL FUND TO AUDITORIUM BOND FUND TO BE PAID BACK NOT LATER THAN JUNE 1, 1953, ADOPTED.

A resolution entitled, "Resolution to Advance Money from the General Fund to the Auditorium Bond Fund to be paid back not later than June 1, 1953", was introduced and read, and upon motion of Councilman Albea, seconded by Councilman Jordan, was adopted, with the votes cast as follows:

AYE: Councilmen Albea, Baxter, Coddington, Dellinger and Jordan.

NAY: Councilman Boyd.

STATUS OF FIREMEN TO WHOM SALARY INCREASES GIVEN IN 1952-53 BUDGET DIRECTED INVESTIGATED.

Councilman Coddington advised that it is now his understanding that one of the four firemen to whom the only salary increases were given in the 1952-53 budget is a Deputy Chief, another an Assistant Chief and a third injured while on vacation and not in line of duty, and they are not privates receiving approximately \$100.00 a year less than the ordinary scale of pay, as reported.

Councilman Dellinger moved that the City Manager ascertain the facts as to the status of the four men and report to Council. The motion was seconded by Councilman Jordan, and unanimously carried.

RESOLUTION AUTHORIZING PERMANENT IMPROVEMENTS ON STONEWALL STREET.

A resolution entitled, "Resolution Authorizing Permanent Improvements on Stonewall Street" was introduced and read, and upon motion of Councilman Baxter, seconded by Councilman Albea, unanimously passed on its first reading. The resolution is recorded in full in Resolutions Book 2, at Page 7.

RESOLUTION AUTHORIZING THE ADVERTISEMENT OF NOTICE THAT COUNCIL WILL CONSIDER THE FINAL ADOPTION OF THE RESOLUTION AUTHORIZING THE PERMANENT IMPROVEMENTS ON STONEWALL STREET, AT MEETING ON AUGUST 20th.

A resolution entitled, "Resolution Authorizing the Advertisement of Notice of Resolution Authorizing Permanent Improvements on Stonewall Street" was introduced and read, and upon motion of Councilman Baxter, seconded by Councilman Albea, was unanimously adopted. The resolution is recorded in full in Resolutions Book 2, at Page 8.

RESOLUTION WITH RESPECT TO THE ACQUISITION OF THE JOSEPH M. SLOAN TRACT OF LAND AS RIGHT-OF-WAY FOR EXTENDING THE CITY'S SEWER SYSTEM NEAR BARRINGER SCHOOL.

A resolution entitled, "Resolution with respect to the acquisition of land as right-of-way for extending the City's sewer system near Barringer School" was introduced and read. Councilman Albea moved the adoption of the resolution, which was seconded by Councilman Baxter, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 9.

AGREEMENT WITH AMERICAN TELEPHONE AND TELEGRAPH COMPANY FOR RIGHT-OF-WAY ACROSS SUGAW CREEK DISPOSAL PLANT PROPERTY.

Upon motion of Councilman Albea, seconded by Councilman Baxter, and unanimously carried, an agreement was authorized with the American Telephone and Telegraph Company for right-of-ways across Sugaw Creek Disposal Plant property, in lieu of former agreement.

CONTRACT RENEWED WITH STATE OF NORTH CAROLINA FOR USE OF 28 BUILDINGS AT DOUGLAS MUNICIPAL AIRPORT BY N. C. AIR NATIONAL GUARD.

Motion was made by Councilman Albea, seconded by Councilman Baxter, and unanimously carried, approving the renewal of contract with the State of North Carolina for the use of 28 buildings at Douglas Municipal Airport by the N. C. Air National Guard, for one year beginning July 1, 1952, at a monthly rental of \$100.00.

SUBDIVISION PLATS APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, the following subdivision plats were approved:

- (a) Plat of part of Lockwood Subdivision, between Hutchinson Avenue and N. Tryon Street, being the property of the American Trust Company.
- (b) Revised Plat of Arthur E. Grier, between Oaklawn Cemetery and Welch Street.

BALTIMORE AVENUE TAKEN OVER FOR CITY MAINTENANCE.

Councilman Dellinger moved that Baltimore Avenue, from Shuman Avenue 650 feet south, be taken over for city maintenance, as recommended by the City Manager. The motion was seconded by Councilman Jordan, and unanimously carried.

NAME OF PARK ROW CHANGED TO LONGFELLOW STREET.

Upon motion of Councilman Dellinger, seconded by Councilman Albea, and unanimously carried, the name of Park Row was changed to Longfellow Street, as requested by the property owners and recommended by the Planning Board.

CONTRACT AUTHORIZED WITH ERWIN CONSTRUCTION COMPANY FOR CONSTRUCTION OF WATER MAIN IN EASTWAY PARK.

Upon motion of Councilman Albea, seconded by Councilman Dellinger, and unanimously carried, a contract was authorized with the Erwin Construction Company for the construction of 17,130 feet of water main and 17 fire hydrants in Eastway Park, at an estimated cost of \$38,360.00. The City to finance all construction cost and applicant to guarantee a gross annual water revenue equal to 10% of the total construction cost.

CONSTRUCTION OF SANITARY SEWER MAINS AUTHORIZED.

Motion was made by Councilman Dellinger, seconded by Councilman Baxter, and unanimously carried, authorizing the construction of sanitary sewer mains at the following locations:

- (a) 465 feet of sewer main in St. Paul Street, at an estimated cost of \$1,030.00, to serve 2 family units and 15 vacant lots. All cost to be borne by the City and applicant's deposit of \$630.00 to be refunded as per terms of the contract.
- (b) 677 feet of 10 and 12 inch sewer main in East Stonewall Street and South Brevard Street, at an estimated cost of \$3,620.00, to relieve the overloaded condition of the present 10 inch main. All cost to be borne by the City.
- (c) 711 feet of sewer main in Arty Avenue and Monument Street to serve 13 family units and 4 vacant lots. All cost to be borne by the City, at estimated cost of \$1,360.00.
- (d) 625 feet of sewer main in Odum Avenue, at an estimated cost of \$1,400.00, to serve 7 family units and 7 vacant lots. All cost to be borne by the City.
- (e) 4,642 feet of sewer main and 2,443 feet of trunk sewer in Eastway Park, at an estimated cost of \$20,275.00, to serve 10 family units and 107 vacant lots. All cost to be borne by the City and applicant's deposit of \$16,275.00 to be refunded as per terms of the contract.

CONTRACT AWARDED ATLAS SUPPLY COMPANY FOR YEAR'S SUPPLY OF WROUGHT IRON PIPE.

Upon motion of Councilman Albea, seconded by Councilman Baxter, and unanimously carried, contract was awarded the low bidder, Atlas Supply Company, for 41,300 feet of Wrought Iron Pipe, as specified, on a unit price basis, representing a total price of \$13,178.72, subject to cash discount of \$278.00, subject to escalation with net delivered price not to exceed \$13,373.72.

REMOVAL OF TREES FROM PLANTING STRIP ON PATTON AVENUE APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, the removal of three trees was authorized from the planting strip on Patton Avenue as they interfere with the course of construction of the addition to the Water Works Shop.

REFUND OF DEPOSIT FOR SEWER LINE CONSTRUCTION IN PARK ROAD, HAVEN DRIVE AND REESE STREET, TO NIVENS INVESTMENT COMPANY, UNDER CONTRACT DATED NOV. 17, 1949.

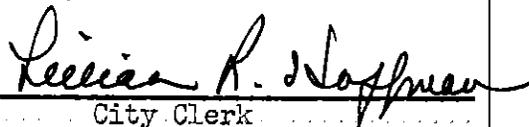
Councilman Baxter moved that the remaining \$1,385.00 of the \$6,540.00 deposit by Nivens Investment Company on November 17, 1949 for the construction of sewer lines in Park Road, Haven Drive and Reese Street, be refunded in accordance with the terms of the contract, \$5,155.00 of said deposit covering the portion of the sewer lines within the city limits having already been refunded. The motion was seconded by Councilman Dellinger, and unanimously carried.

CITY MANAGER DIRECTED TO NEGOTIATE FOR RENTAL OF HOUSE AND LOT ON EAST FOURTH STREET, AT REAR OF CITY HALL, FROM JOE MCLAUGHLIN, REPRESENTATIVE OF THE MCLAUGHLIN ESTATE.

Mr. Yancey, City Manager, reported that Mr. Joe McLaughlin on behalf of the McLaughlin Estate has offered to sell the City the house and lot on East Fourth Street, at the rear of the City Hall, at a price of \$12,500.00 and the City assume the current taxes. He advised that he will lease the property to the City for a 5 year period, at a monthly rental of \$60.00 and the City assume the taxes, the City to have the option to buy at any time within this period at a price of \$14,000.00. Councilman Dellinger moved that the City Manager be authorized to negotiate with Mr. McLaughlin for the lease of the property for a 5 year period, at a monthly rental of \$65.00 without assuming the taxes, with option to purchase at \$14,000.00 during said period. The motion was seconded by Councilman Baxter, and unanimously carried.

ADJOURNMENT.

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



City Clerk