

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Wednesday, January 9, 1952, at 4 o'clock p.m., with Mayor pro tem Van Every presiding, and Councilmen Albea, Baxter, Boyd, Coddington, Dellinger and Jordan present.

Absent: Mayor Shaw.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Dellinger, seconded by Councilman Coddington, and unanimously carried, the minutes of the last meeting on January 2nd were approved as submitted.

ORDINANCE (NO. 140) ASSESSING BENEFITS IN THE IMPROVEMENT DISTRICT ON BALDWIN CIRCLE AND AUTHORIZING ADVERTISEMENT WITH RESPECT THERETO, ADOPTED.

Mr. James O. Moore, Mr. Francis Clarkson, Mr. Channing Brown and Mr. M. D. Whisnant appeared before Council at the scheduled hearing with regards to the benefits assessed in the improvement district on Baldwin Circle, between Baldwin Avenue and Independence Boulevard, and expressed objections to the assessments fixed by the appraisers against the Thompson Orphanage property. Mr. Moore asked that the Council consider all of the facts in connection with the Orphanage officials granting the City the privilege of constructing the street through their property and base their decision as to the justice of the assessment thereon. He advised that the Council is without authority to delegate to others the right to make a binding appraised value on properties; that according to the City Attorney the Council has the sole authority to fix assessments against property. Secondly, that the Orphanage is not operated for gain nor to make money and its property is not for sale, and the payment of an assessment will prove a hardship to the institution whose sole purpose is to provide a home for orphaned children of North Carolina.

Mr. John D. Shaw, City Attorney, advised that it is the Council's legal right to review the facts in the matter and to decide on the value of the property in question.

Mr. Channing Brown and Mr. Francis Clarkson urged that the assessment be eliminated, stating that the Orphanage is operated by gifts and endowments and receives no compensation from either the City of Charlotte or Mecklenburg County.

Mr. Whisnant advised that the fact that their property was rezoned within the improvement district in no way indicated that the property would be for sale; that the sole purpose was that all of their property be zoned alike and they had been under the impression that this was the case until Baldwin Circle was constructed.

Councilman Boyd asked if it would be acceptable to the delegation if the Council made the assessment \$6,800.00 instead of \$9,789.00 and hold its collection in abeyance until such time as the Orphanage offered the property in question for commercial sale, if the Legislature authorizes the Council to do so?

Mr. Clarkson replied that the proposal would be entirely satisfactory; that similar actions have been taken by former Councils with regard to the Presbyterian and Mercy Hospital properties as well as that of the Salvation Army.

Mr. Brevard Myers was present representing the Margaret S. Myers properties within the assessment district and advised that no reduction would be requested in the assessments against her properties if the Council would reduce the assessments of the Orphanage.

The ordinance entitled, "Ordinance (No. 140) Assessing Benefits in the improvement district of Baldwin Circle, from Independence Boulevard to Baldwin Avenue, and authorizing the advertisement with respect thereto," was introduced and read. Councilman Albea moved the adoption of the ordinance and that the Thompson Orphanage assessment be reduced from \$9,789.00 to \$6,800.00 and prorated upon a front foot basis. The motion was seconded by Councilman Jordan and unanimously carried. The ordinance is recorded in full in Ordinance Book 11, at Page 227.

Whereupon, a resolution entitled, "Resolution Requesting the Mecklenburg County Legislative Delegation for action with respect to Thompson Orphanage Street Paving Assessment" was introduced by Councilman Baxter who moved its adoption. The motion was seconded by Councilman Coddington, and unanimously carried. The resolution is recorded in full in Resolutions Book 1, at Page 453.

PROTEST FILED BY PRESIDENT OF GENERAL SUPPLY & EQUIPMENT COMPANY AS TO APPRAISED VALUE OF PROPERTY REQUIRED FOR RIGHT-OF-WAY IN WIDENING OF EAST 36th STREET.

Mr. John B. Waldin, President of the General Supply & Equipment Company, appeared before Council relative to the appraised price of his property required in the widening of East 36th Street. He stated that the right-of-way will take 10 feet off the front of his building fronting on 36th Street. That the appraisers have evaluated the property at \$17,250.00, however this will not cover the cost of replacing the space taken from the building and of moving the building back, which he estimated at a minimum of \$19,500.00. Mr. Waldin advised that a fair settlement would be \$25,000.00. He advised further that he could not complete the move until around May 1st.

Councilman Boyd stated that there was nothing for the Council to do in the matter, that it is simply a matter of obtaining the right-of-way for the street widening and should be left up to the City Manager and City Attorney to handle according to law in order that the right-of-way be obtained.

Mayor pro tem Van Every requested the City Manager to discuss the matter with Mr. Waldin and then with the Council.

ORDINANCE (NO. 141) AMENDING THE CITY CODE WITH RESPECT TO INCREASE IN CHARGES FOR SEWER CONNECTIONS, ADOPTED.

An ordinance entitled, "Ordinance (No. 141) Amending the City Code with Respect to Charges for Sewer Connections" was introduced and read. Councilman Albea moved the adoption of the ordinance, which was seconded by Councilman Coddington, and unanimously carried. The ordinance is recorded in full in Ordinance Book 11, at Page 228.

CONTRACT AWARDED LYNCHBURG FOUNDRY COMPANY FOR CAST IRON PIPE.

Upon motion of Councilman Albea, seconded by Councilman Dellinger, and unanimously carried, contract was awarded Lynchburg Foundry Company for 20,000 feet of 6" and 5,000 feet of 8" Cast Iron Pipe, on a unit price basis, representing a net delivered price of \$39,400.00.

CONTRACT AWARDED ATLAS SUPPLY COMPANY FOR WROUGHT IRON PIPE.

Motion was made by Councilman Coddington, seconded by Councilman Albea, and unanimously carried, awarding contract to the Atlas Supply Company for 20,000 feet of 3/4", 3,000 feet of 1", 15,000 feet of 2" and 500 feet of 3" Wrought Iron Pipe, on a unit price basis, representing a total of \$14,374.00, subject to cash discount of \$289.00.

CONTRACT AWARDED LYNCHBURG FOUNDRY COMPANY FOR CAST IRON FITTINGS.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, contract was awarded Lynchburg Foundry Company for a schedule of six assorted items of Cast Iron Pipe Fittings, on a unit price basis representing a net delivered price of \$1,078.14.

CONTRACT AWARDED INDUSTRIAL PIPING, INC., FOR GATE VALVES.

Motion was made by Councilman Jordan, seconded by Councilman Dellinger and unanimously carried, awarding contract to Industrial Piping, Inc., for 15-8", 50-6" and 10-4" Gate Valves, on a unit price basis, representing a total of \$3,315.30, subject to cash discount of \$66.31.

CONTRACT AWARDED PETTIT MOTOR COMPANY FOR FORD SEDAN.

Upon motion of Councilman Dellinger, seconded by Councilman Coddington, and unanimously carried, contract was awarded Pettit Motor Company for One Ford 4-Door Standard Sedan, at a net delivered price of \$1,726.00.

CONTRACT AWARDED YANDELL MOTOR COMPANY, FOR FORD SEDAN.

Motion was made by Councilman Dellinger, seconded by Councilman Jordan, and unanimously carried, awarding contract to Yandell Motor Company for One Ford 4-door Custom Sedan, at a net delivered price of \$1,743.43.

UNFIT HOUSING PROGRESS REPORT.

The City Manager gave the following figures in connection with the Unfit Housing Progress Report for quarter ending December 31, 1951:

Inspection made	642
Number of Units brought up to standard	512
Number of property owners cited for hearings	19
Number of units condemned	13
Number of bathing facilities installed	485

CEMETERY LOTS TRANSFERRED.

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 Mrs. L. W. Keeter, for Lot 139, Section 3, Evergreen Cemetery, at \$104.00.
- (b) Deed to H. A. Crump and wife Sarah, for Lot 285, Section 2, Evergreen Cemetery, at \$104.00.
- (c) Deed to W. F. Simpson, for east half of Lot 88, Section 3, Evergreen Cemetery, at \$78.00.
- (d) Transfer deed to Mrs. Lula Mae Lazenby from W. B. Fincher and wife, for south half of Lot 51, in Section A-Annex, Elmwood Cemetery, at \$1.00 for transfer.

CLAIM OF MRS. ROBERTINE HARRIS DENIED.

The City Manager reported that the claim of Mrs. Robertine Harris filed in 1950 for personal injuries and referred to the City Attorney has been denied.

CLAIM OF HARWOOD BEEBE FOR PERSONAL INJURIES REFERRED TO CITY ATTORNEY.

The claim of Mr. Harwood Beebe for personal injuries alleged to have been sustained from falling over a bucket of sand on the Airport grounds on November 6, 1951, which was received from his attorneys, Kerr & Evins, was referred to the City Attorney upon motion of Councilman Coddington, seconded by Councilman Albea, and unanimously carried.

APPOINTMENT OF H. L. MCKEE TO COMMITTEE TO STUDY THE NEEDS FOR THE ESTABLISHMENT OF A CLINIC FOR THE TREATMENT AND REHABILITATION OF ALCOHOLICS, UPON RESIGNATION OF E. E. JONES FROM COMMITTEE.

Councilman Albea moved the acceptance with regrets of the resignation of Mr. E. E. Jones from the Committee to study the needs for the establishment of a Clinic for the treatment and rehabilitation of Alcoholics. The motion was seconded by Councilman Jordan, and unanimously carried.

Whereupon, Councilman Baxter moved the appointment of Mr. H. L. McKee to the Committee. The motion was seconded by Councilman Coddington, and unanimously carried.

REAPPOINTMENT OF S. Y. MCADEN TO FIREMEN'S RELIEF FUND BOARD OF TRUSTEES.

Councilman Coddington moved the reappointment of Mr. S. Y. McAden to the Firemen's Relief Fund Board of Trustees for a term of two years. The motion was seconded by Councilman Dellinger, and unanimously carried.

REPORT OF CONDITION OF PARSON STREET WHICH WAS REQUESTED IMPROVED BY ALVIN HELMS.

The City Manager stated that he and the City Engineer had inspected the 1800 and 1900 blocks of Parson Street, which were requested improved by Mr. Alvin Helms at the last Council meeting. Mr. Yancey stated that the street was found to be in fair condition for a dirt street, with the gravel surface well compacted; however, that in the spring when the weather permits the street will be given such treatment as may be practical.

CITY ATTORNEY REQUESTED TO ASCERTAIN AS A FACT IF THE UNUSED PORTION OF POWELL ACT FUNDS WILL REVERT TO THE STATE TREASURY ON JUNE 30th.

Councilman Boyd stated that he had read in a Charlotte Newspaper that the unused portion of funds received under the Powell Act apportionment of the State Highway Funds for street purposes will revert to the State Treasury on June 30th and he wished to know if this is true.

Mr. Yancey, City Manager, stated that such unused funds will not revert to the State Treasury.

Councilman Boyd then requested the City Attorney to ascertain as a fact from the proper source the disposition of unused funds received under the Powell Act as of June 30th.

FOUR DEEDS FOR 36TH STREET RIGHT-OF-WAY ACCEPTED AND CITY MANAGER DIRECTED TO PROCEED WITH CONDEMNATION ACTION TO GET WORK STARTED.

Mr. Yancey, City Manager, presented a progress report submitted by Mr. E. S. DeLaney, relative to obtaining the rights-of-way for the improvements to East 36th Street, which stated that deeds had been executed by the following four property owners and the amounts agreed upon as herein set forth:

H. T. Davis	\$7,000.00
Johnston Mfg. Company	5,225.00
James D. Humphries & wife	210.00
C. E. Morris & wife	195.00

Also, that agreements had been reached with the following persons for the amounts set forth:

General Equipment & Supply Co.	\$16,250.00
Herrin Brothers Coal Co.	1,000.00
Vernon H. Scarborough	750.00
Frank H. Cothran, Jr.	750.00

and that Mr. M. E. Herrin, the only owner who had not agreed, wants \$2,500.00 and Mr. DeLaney recommends not over \$1,500.00.

Councilman Boyd moved that the four deeds which have been executed be accepted subject to the approval as to title by the City Attorney, and the City Manager be directed to proceed as necessary with any condemnation actions in order to get the work started. The motion was seconded by Councilman Baxter, and unanimously carried.

CONSIDERATION OF APPOINTMENT OF VICE-RECORDER TO SUCCEED MR. JAMES MCMILLAN RESIGNED.

Councilman Boyd asked that the Council be considering the appointment of a Vice-Recorder to succeed Mr. James McMillan who has resigned.

DISCUSSION RELATIVE TO RECOMMENDED SETTLEMENT WITH HEIRS OF REID ESTATE FOR PURCHASE OF PROPERTY FOR SEWER SYSTEM EXTENSION.

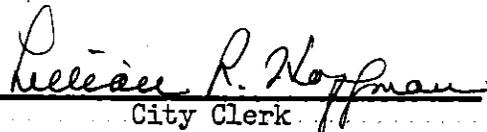
Mr. John D. Shaw, City Attorney, again called attention to the fact that the Heirs to the Reid Estate will accept settlement from the City at \$350.00 per acre for the land required for the extension of the City's sewer system, and that the title to the lands must be obtained by settlement or condemnation.

During the discussion, Mr. Yancey, City Manager, stated that his position in the matter is the same as heretofore that he would like to have the Courts settle the matter. Councilman Dellinger stated that in his opinion this case should be an exception.

Councilman Coddington moved that the City Attorney proceed with condemnation action. The motion did not receive a second and was lost.

ADJOURNMENT.

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


City Clerk