

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Wednesday, July 23, 1952, at 4 o'clock p.m., with Mayor Shaw presiding, and Councilmen Albea, Baxter, Boyd, Goddington, Dellinger, Jordan and Van Every present.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Van Every, and unanimously carried, the Minutes of the meetings on June 25th and July 9th were approved as submitted.

ORDINANCE (NO. 150) AMENDING THE ZONING ORDINANCE CHANGING THE BUILDING ZONE MAP FROM R-1 TO B-1 ON PROPERTY ON EASTWAY DRIVE.

The scheduled hearing was held in connection with the request of Mr. David Clark and Mr. Barron R. Phillips for the rezoning of property on Eastway Drive from R-1 to B-1, and recommended by the Zoning Board of Adjustment. No objections were registered to the proposed zoning change. Whereupon, Councilman Van Every moved the adoption of the ordinance entitled, "Ordinance No. 150 Amending the Zoning Ordinance", which was seconded by Councilman Dellinger, and unanimously carried. The ordinance is recorded in full in Ordinance Book 11, beginning at Page 244.

FUNDS FROM NON-TAX SOURCES EARMARKED FOR THE MINT MUSEUM OF ART AND GLENWOOD PLAYGROUND IN THE PARK & RECREATION COMMISSION APPROPRIATION.

Mr. F. T. Miller, Attorney and member of the Board of Trustees of the Mint Museum of Art appeared before Council representing the said Board, in the interest of the City making the requested appropriation of \$6,525.00 to the Museum. He outlined the functions and value of the Museum to the citizens of Charlotte, and stated that funds for its operation are obtained solely from memberships, donations, small investments and assistance with the maintenance by the City, and advised further that they will be bankrupt unless the appropriation is received from the City.

He advised that last October when it was mutually agreed by the City, Parks & Recreation Commission and Board of Trustees of the Mint Museum that the jurisdiction of the Mint Museum be transferred from the City to the Park Commission, the resolution adopted by the City in this connection stated "it is understood and agreed by the City Council and the Trustees of the Mint Museum of Art Association that the Park & Recreation Commission shall have no financial responsibility for the maintenance and repair of the building and/or the operation of the Museum, except to the extent the City makes funds for such purposes available to the Park & Recreation Commission in excess of those funds provided by the eight cents tax levy".

Mr. Miller stated that when the City was considering the budgets, the Board submitted its budget and it was assumed that the funds would be allocated through the Park Commission, and Mr. Morgan Spier, Chairman of the Finance Committee of the Museum later contacted the Park Commission relative to the funds and was advised that they cannot claim the Mint Museum as a responsibility. Mr. Miller requested that the \$6,525.00 necessary for their continuance be appropriated to the Park & Recreation Commission and designated for the Mint Museum of Art.

Councilman Van Every stated that it is illegal for the Council to appropriate funds directly to the Mint Museum and, therefore, \$26,000.00 additional to the Park Commission budget was allocated to them to be used for the Mint Museum and for the construction of the Glenwood Playground.

At the request of Mayor Shaw as to the legality of the appropriation, Mr. John D. Shaw, City Attorney stated the general state law is that a municipi-

pality may not contribute directly to functions such as the Mint; however, in his opinion the Council may turn over funds to the Park & Recreation Commission and earmark them for such purposes. Councilman Boyd then asked the City Attorney if the Council may, within the law, appropriate money for the Mint through the Park & Recreation Commission. That if the Council puts the money in the funds for this purpose with the command that the Park Commission use it for the stated purpose, is that not violating the law? The City Attorney replied that this would not be a violation of the law - that the Council would be giving the funds to the Park & Recreation Commission and not to the Mint.

Councilman Coddington then asked the City Attorney if the Council may appropriate the same amount to the Park Commission that was appropriated last year plus the \$26,000.00 extra, if they will donate it to the two projects - namely, \$6,525.00 to the Mint and \$7,500.00 to the Glenwood Playground? The City Attorney replied that the Council may do so.

Councilman Dellinger moved that \$7,500.00 be earmarked for the Glenwood Playground and \$6,525.00 for the Mint out of the \$26,000.00 extra appropriation to the Park & Recreation Commission. Councilman Boyd requested that the motion include the provision, "that this appropriation is to come out of money derived from sources other than taxation" - which was acceptable to Councilman Dellinger, and was made a part of the motion. The motion was seconded by Councilman Coddington, and unanimously carried.

LEAGUE OF WOMEN VOTERS REPRESENTATIVES ADVISED THAT SMOKE ABATEMENT PROGRAM WILL BE CONTINUED THROUGH THE BUILDING INSPECTION DEPARTMENT.

Mrs. Thos. Sharpe was spokesman for a small delegation of members of the League of Women Voters and asked if the smoke abatement program is to be discontinued after September 1st with the abolishment of the Smoke Abatement Department.

Mayor Shaw stated that the entire Council has authorized the retention of a smoke abatement man in the Building Inspection Department and the program will be continued just as effectively as heretofore.

ORDINANCE (NO. 153-X) ^{RELATIVE} TO THE ADOPTION OF THE APPROPRIATION BUDGET FOR THE FISCAL YEAR 1952-53.

An ordinance entitled, "Ordinance (No. 153-X) Relative to the Adoption of the Appropriation Budget of the City of Charlotte for the Fiscal Year 1952-53" was introduced and read. Councilman Van Every moved the adoption of the ordinance, which was seconded by Councilman Coddington, and unanimously carried. Upon the foregoing recorded vote, the ordinance was duly adopted, and declared to be the Budget Appropriation Ordinance of the City of Charlotte for the fiscal year 1952-53. The ordinance is recorded in full in Ordinance Book 11, at Pages 245-46.

RESOLUTION AUTHORIZING THE CONVEYANCE OF LANDS AT SWANN AND HUNTER STREETS TO THE CHARLOTTE PARK & RECREATION COMMISSION.

A resolution entitled, "Resolution Authorizing the Conveyance of Lands at Swann and Hunter Streets to the Charlotte Park & Recreation Commission" was introduced and read. Councilman Boyd 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 2.

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

Councilman Van Every moved that the Mayor and City Clerk be authorized to execute an agreement with the American Telephone & Telegraph Company for a right-of-way across the City's Sugaw Creek Disposal Plant property for their lines, same being in lieu of right-of-way formerly held by the said Company, and being changed to meet the City's construction requirements. The motion was seconded by Councilman Boyd, and unanimously carried.

SALE OF TAX FORECLOSED PROPERTIES AT 1420-22 KENNON STREET AND 1517-19 MERRIMAN AVENUE CONFIRMED.

Upon motion of Councilman Boyd, seconded by Councilman Dellinger, and unanimously carried, the sale of the following tax foreclosed property at public auction on July 7th, was confirmed:

- (a) Property at 1420-22 Kennon Street, to the high bidder Mr. Ralph E. Bartlett, at \$500.00.
- (b) Property at 1517-19 Merriman Avenue, to the high bidder Mr. John O. Ross, Agent for Mr. P. B. Barnes, at \$600.00.

SALE OF AIRPORT BUILDING NO. 282 TO FIRST METHODIST CHURCH.

Councilman Jordan moved that the offer of the First Methodist Church to purchase Airport Building No. 282 at a price of \$200.00 for recreational purposes be accepted. The motion was seconded by Councilman Dellinger, and unanimously carried.

CONSTRUCTION OF NEW SANITARY SEWER MAINS AUTHORIZED.

Motion was made by Councilman Boyd, seconded by Councilman Dellinger and unanimously carried, authorizing the construction of new sanitary sewers at the following locations:

- (a) 350 ft. of sewer main in McNinch and Dunbar Streets, at an estimated cost of \$980.00, to serve 5 business units with all costs to be borne by the City, at request of John J. Morton Company.
- (b) 1,230 ft. of sewer main and 157 ft. of trunk sewer in Maywood and Eastwood Drives, at an estimated cost of \$3,630.00 to serve 17 family units and 13 vacant lots, with all costs to be borne by the City, at request of Lakeview Development Company.
- (c) 1,490 ft. of sewer main in old Statesville Road, at an estimated cost of \$3,080.00, to serve 12 family units and 12 vacant lots, with all costs to be borne by the City and applicant's deposit of \$680.00 to be refunded as per terms of the contract, at the request of Arthur S. Grier.
- (d) 1,070 ft. of sewer main in Merry Oaks Road, at an estimated cost of \$3,000.00, to serve 9 family units and 10 vacant lots, with all costs to be borne by the City and applicant's deposit of \$1,200.00 to be refunded as per terms of the contract, at the request of Ervin Construction Company.
- (e) 213 ft. of sewer main in Hanson Drive, at an estimated cost of \$510.00, to serve 3 family units and 5 vacant lots, with all costs to be borne by the City, at request of David B. Crosland Company.
- (f) 400 ft. of sewer main in Cassamia Place, at an estimated cost of \$1,480.00, to serve one family unit and one vacant lot, with all costs to be borne by the City and applicant's deposit of \$1,280.00 to be refunded as per terms of the contract, at request of H. E. Pennigar, 632 Dowd Road.

CONTRACT WITH STATE HIGHWAY & PUBLIC WORKS COMMISSION FOR OPENING PAVEMENT ON WILKINSON BOULEVARD FOR WATER LINE.

Councilman Dellinger moved that the Mayor and City Clerk be authorized to execute a contract with the N. C. State Highway & Public Works Commission for opening pavement across Wilkinson Boulevard for the installation of a 12 inch water line. The motion was seconded by Councilman Baxter, and unanimously carried.

PROCUREMENT OF EASEMENT FROM N. C. STATE HIGHWAY & PUBLIC WORKS COMMISSION FOR CONSTRUCTION OF WATER MAIN IN PARK ROAD.

Upon motion of Councilman Baxter, seconded by Councilman Dellinger, and unanimously carried, the procurement of an easement from the N. C. State Highway & Public Works Commission was authorized for the construction of a 6 inch water main in Park Road, from the intersection of Tyvola Road to the entrance of the Celanese Corporation Plant.

CONTRACTS FOR THE CONSTRUCTION OF WATER MAINS AUTHORIZED.

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

- (a) Contract with C. M. Guest & Sons, for the construction of 11,740 feet of main to serve the area leased by the Celanese Corp., at an estimated cost of \$53,335.00, with 50% of said amount to be borne by the City and 50% by the Company, in accordance with the commitment by the City on March 12, 1952.
- (b) Supplementary contract to contract dated January 30, 1952, with Lakeview Development Company, for the construction of 2,290 feet of water main and 2 fire hydrants in Lakeview Park, at an estimated cost of \$5,070.00. The City to finance all cost and applicant to guarantee a gross annual revenue equal to 10% of the total cost.

CONTRACTS AWARDED FOR YEAR'S SUPPLY OF GASOLINE, MOTOR OIL, GEAR LUBRICANT, CHASSIS LUBRICANT, KEROSENE, FUEL OIL AND DIESEL FUEL.

Upon motion of Councilman Dellinger, seconded by Councilman Van Every, and unanimously carried, contracts for a year's supply of gasoline, motor oil, gear lubricant, chassis lubricant, kerosene, fuel oil and diesel fuel were awarded as follows:

- (a) Contract awarded the low bidder, The Pure Oil Company, for 395,000 gallons of Gasoline, as specified, on a unit price basis, representing a net ^{delivered} price of \$79,937.15.
- (b) Contract awarded the low bidder, The Pure Oil Company, for 6,500 gallons of heavy duty Motor Oil, as specified, on a unit price basis of \$.478, representing a net ^{delivered} price of \$3,075.93.
- (c) Contract awarded the low bidder, The American Oil Company, for 4,000 pounds of Gear Lubricant, S.A.E. 90, 140 and 250 (in 100 lb. kits) as specified, on a unit price basis, representing a net ^{delivered} price of \$396.00.
- (d) Contract awarded the low bidder, Columbus Oil Company, for 3,010 pounds of Chassis Lubricant, as specified, on a unit price basis of \$.1143 for 35 lb. containers, \$.0940 for 100 lb. containers and \$.0843 for 400 lb. containers, representing a net delivered price of \$275.56.
- (e) Contract awarded the low bidder, The Pure Oil Company, for 22,500 gallons of Kerosene, as specified, on a unit price basis of \$0.1214 ¢, representing a net ^{delivered} price of \$2,704.50.
- (f) Contract awarded the low bidder, The Pure Oil Company, for 30,000 gallons of No. 2 Fuel Oil, as specified, on a unit price basis of \$.114 ¢, representing a net ^{delivered} price of \$3,387.00.
- (g) Contract awarded the low bidder, Columbus Oil Company, for 20,000 gallons of Diesel Fuel, as specified, on a unit price basis of \$1.114, representing a net delivered price of \$2,280.00.

CONTRACTS AWARDED FOR THE CONSTRUCTION OF WATER WORKS SHOP BUILDING.

Upon motion of Councilman Baxter, seconded by Councilman Dellinger, and unanimously carried, contracts for the construction of the Water Works Shop Building were awarded as follows:

- (a) Contract awarded the low bidder, Interstate Construction Company for the General Construction, at a total price of \$70,380.00.
- (b) Contract awarded the low bidder, Southern Electric Service for the Electrical Work, at a total price of \$4,267.00.
- (c) Contract awarded the low bidder, Toomey Brothers for the Heating Work, at a total price of \$6,547.00.
- (d) Contract awarded the low bidder, Toomey Brothers for the Plumbing Work, at a total price of \$5,086.00.

CONSTRUCTION OF DRIVEWAY ENTRANCES APPROVED.

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

- (a) One 24 ft. entrance at 1411-15 S. Tryon Street.
- (b) One 10 ft. entrance at 509 S. Graham St.
- (c) One 30 ft. entrance on East 5th St. for 2600 E. 7th St.
- (d) One 15 ft. entrance at 1431 W. Morehead St.
- (e) One 10 ft. entrance on Avondale Ave. for 833 E. Boulevard.
- (f) Two 30 ft. entrances at 200 Atando Avenue.

RENEWAL OF SPECIAL OFFICER PERMITS APPROVED.

Motion was made by Councilman Van Every, seconded by Councilman Jordan, and unanimously carried, authorizing the renewal of Special Officer Permits as follows:

- (a) Renewal of Permit to A. C. McGill for use on the premises of Highland Park Mfg. Company.
- (b) Renewal of Permit to R. A. Smith for use on the premises of Highland Park Mfg. Company.
- (c) Renewal of Permit to Mrs. Stella Patterson for use on the premises of J. B. Ivey & Company.

TRANSFER OF CEMETERY LOTS.

Upon motion of Councilman Dellinger, seconded by Councilman Van Every, 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. C. D. Pittman for northwest quarter of Lot 169, in Section 3, Evergreen Cemetery, at \$26.00.
- (b) Deed to John F. Ray and wife, for Lot 363, in Section 4-A, Evergreen Cemetery, at \$81.90.
- (c) Deed to M. M. Fisher and wife, for Lot 267, in Section 2, Evergreen Cemetery, at \$104.00.
- (d) Deed to Miss Harriet Ann McSheehan, for Lot 318, in Section 4-A, Evergreen Cemetery, at \$81.90.
- (e) Deed to S. G. Fincher and wife, for Lot 367, in Section 4-A, Evergreen Cemetery, at \$81.90.

- (f) Deed to the Methodist Home for the Aged, Inc., for Lots 59 thru 69, and 169 thru 179, in Section 4-A, Evergreen Cemetery, at \$1,801.80.
- (g) Deed to W. A. Small, Jr., for Lot 26, in Section Y, Elmwood Cemetery, transferred from Z. A. Hovis & Son, at \$1.00 for the transfer.

RESOLUTION AUTHORIZING THE ADVANCE OF FUNDS FOR THE EMERGENCY WORK ON GRADE CROSSING ELIMINATION PROJECT.

A resolution entitled, "Resolution Authorizing the Advance of Funds for the Emergency Work on Grade Crossing Elimination Project" was introduced and read. Councilman Van Every moved the adoption of the resolution, which was seconded by Councilman Albea, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 3.

CLAIM OF MRS. LILLIAN LEE RAMSEY FOR PERSONAL INJURY REFERRED TO CITY ATTORNEY.

Report was made of the notice of claim of Mrs. Lillian Lee Ramsey, in the amount of \$3,000.00, for personal injuries sustained on June 22, 1952, by stepping into a water meter box at or near 411 S. Brevard Street, alleged to have been caused by a loose cover on the said meter box. Upon motion of Councilman Jordan, seconded by Councilman Coddington, and unanimously carried, the claim was referred to the City Attorney.

SPEED UP OF PROJECTS NOW IN PROGRESS RECOMMENDED BY COUNCILMAN DELLINGER.

Councilman Dellinger expressed the hope that the Council will push to completion some of the projects now in progress and not just console themselves that government naturally moves slowly. He stated that he was speaking of all the projects now under way and none in particular but did feel that the Stonewall Street project should be about completed as it had been under way for a long time, and hoped that the work on the opening of West 5th Street would be pushed along as the rights-of-way have only been obtained in two blocks to date.

Mayor Shaw advised that the Stonewall Street Project is now moving along rapidly, after many delays over which we had no control, and that he believes it will not be long before many of the projects will be completed and that they will be a credit to the administration.

ADJOURNMENT.

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


Cecilia R. Napfman
City Clerk