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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Wednesday, June 9, 1954, at 11 o'clock a.m., with Mayor Van Every presiding, and Councilmen Albea, Baxter, Brown, Dellinger, Smith and Wilkinson present.

Absent: Councilman Boyd.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Brown, seconded by Councilman Baxter, and unanimously carried, the minutes of the last meeting on June 2nd were approved as submitted.

RESIDENTS OF SCOTLAND AVENUE REQUEST THAT CONSTRUCTION OF STORM SEWER IN CHEROKEE ROAD BE STOPPED BECUASE OF THEIR BELIEF THAT IT WILL DIVERT SURFACE WATER ONTO THEIR PROPERTY.

Mr. R. F. Graven, Mr. George Ray, Mr. Tom Gallagher and Mr. Rose, residents of Scotland Avenue area, appeared before Council in protest against the construction of a storm sewer in Cherokee Road north of Providence Road to Briar Creek. Their contention was that this sewer line would empty more water on their property bordering the creek on Scotland Avenue, and increase the flooding of the property from Briar Creek. They requested that the construction be stopped.

It was pointed out by the City Engineer, City Manager and certain Councilmen who are familiar with the situation, that the construction could in no way add to the total amount of water being emptied into Briar Creek, but simply amounted to channeling the water through a pipe rather than permitting it to run in an open ditch as it does at present. Mr. Graven and Mr. Ray contended that the natural flow of the surface water was down Providence Road. Mr. Richey, City Engineer, advised there has been a sewer line from Providence Road to Briar Creek for the past twenty years which runs through private property 500 feet south of Cherokee Road, and the line now being constructed is merely supplementary and not a new idea for the purpose of diverting surface water from its natural flow as contended.

Mr. Richey advised that the present line is being laid at the request of Mr. C. E. Morelock, 1218 Biltmore Drive, and other residents of the area who put up \$3,000.00 for the required pipe in order to get the water off their property.

Councilman Brown expressed the opinion that the big problem to the residents of Scotland Avenue is Briar Creek and suggested that they request the Mecklenburg County Drainage Commission to have the creek dredged in this area. Mr. Graven stated he had been to see the Commissioners and was advised they had no funds for the work.

Mr. Ray advised that the map used by Mr. Richey in explaining the location of the pipe line is not such that the situation can be fully understood and stated he would like another map made, drawn to scale, with the old pipe lines shown in one color and the new line in another, with level variations, so that everyone can determine the natural drainage of the water.

Following the lengthy discussion, Councilman Smith stated that it seemed to him the City should go ahead with the present pipe line as it has been paid for, and if it is later determined by the gentlemen present that another project be started, it could be discussed at that time. He

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moved that the pipe line construction be completed down Cherokee Road. The motion was seconded by Councilman Brown, and unanimously adopted. Mayor Van Every then suggested that the residents request the County Commissioners to have Briar Creek cleaned out, and advised that the City will certainly do all it can to be helpful.

RESOLUTION APPROPRIATING \$3,000.00 NON-TAX FUNDS IN FISCAL YEAR 1954-55 TO CHARLOTTE PARK & RECREATION COMMISSION FOR RECREATION SURVEY WITHIN THE CORPORATE LIMITS OF CHARLOTTE, UPON REQUEST OF SOCIAL PLANNING COUNCIL OF THE UNITED COMMUNITY SERVICES FOR FUNDS FOR COUNTY-WIDE SURVEY.

Councilman Baxter introduced a resolution entitled: "Resolution Appropriating Non-Tax Funds in the Fiscal Year 1954-55 to the Charlotte Park & Recreation Commission for Recreation Survey within the Corporate Limits of Charlotte", and following the reading thereof moved the adoption of the resolution. The motion was seconded by Councilman Brown, and unanimously carried. Resolution is recorded in full in Resolutions Book 2, at Page 211.

Mr. Spencer Bell, President of the Social Planning Council of the United Community Services, who had requested an appropriation of \$5,000.00 from the City, together with a similar appropriation from Mecklenburg County, for a county-wide recreational survey, at a cost of \$12,000.00, to which the United Community Services will contribute \$2,000.00, expressed appreciation for the appropriation and stated they would raise the remaining \$2,000.00 of the requested amount from some other source. That he is convinced that the Social Planning Council can be of great benefit to Charlotte and Mecklenburg County through the coordination of the many agencies whose work affects the lives of the 150,000 residents of Charlotte. He stated further they wished to work with the officials who have the job of running the City of Charlotte and believe that through such cooperation practical results may be obtained.

PEDDLING ON INDEPENDENCE BOULEVARD PROHIBITED UPON REQUEST OF CHARLOTTE RETAIL GROCERS ASSOCIATION.

Mr. J. B. Vogler and Mr. W. B. Fincher of the Charlotte Retail Grocers Association appeared before Council and Mr. Vogler stated the City Manager and Police Department have worked with them in endeavoring to eliminate peddling on Independence Boulevard, in accordance with the provisions of the City Code. However, the practice is being continued both week-days and on Sunday, and he requested the adoption of the proper legislation to make it unlawful. He requested that the practice of selling produce on the streets on Sunday be eliminated by the enforcement of the Sunday Observance Ordinance. Councilman Baxter moved that the Chief of Police be instructed to enforce the Sunday Observance Ordinance in this connection, and he introduced an ordinance, entitled: "Ordinance No. 219 Amending Chapter 17, Article IV, Section 21 of the City Code Prohibiting Peddling on Independence Boulevard between Morehead Street and the City limits", and moved its adoption. The motion was seconded by Councilman Smith, and unanimously carried. The Ordinance is recorded in full in Ordinance Book 11, at Page 359.

RESIGNATION OF C. A. (PETE) MCKNIGHT FROM PLANNING BOARD ACCEPTED.

Councilman Dellinger moved the acceptance of the resignation of Mr. C. A. (Pete) McKnight from the Planning Board with regret, and that Mayor Van Every write and thank him for his services to the City and wish him well in his new work. The motion was seconded by Councilman Baxter, and unanimously carried.

DISCUSSION BY RESIDENTS OF SELWYN AVENUE SECTION AS TO HOW AREA WILL BE AFFECTED BY SUGAW CREEK BY ENFORCEMENT OF ORDINANCE REGULATING THE DISCHARGE OF SUBSTANCES INTO SANITARY SEWER SYSTEM.

Mr. E. N. Maddox, Jr., resident of 1466 Courtland Road, appeared before Council and stated he had noted in the papers that the effective date of the Ordinance Regulating the Discharge of Substances into the Sanitary Sewer System was to be extended to January 1, 1955, and asked if such discharge would not increase the odor and stains on residences within

the area. Mr. Yancey, City Manager, explained that putting the ordinance into effect does not allow anyone to put anything into the creeks, that in fact, the purpose of the ordinance is to relieve the present condition of the creek in that industrial companies in complying with the ordinance will put their waste into the sewer system; that the action of the Council today will be merely to fix the date on which it is hoped the ordinance can go into effect if the redesign of the disposal plant is completed. Mayor Van Every stated the City is spending about \$4,000,000.00 on the disposal plant solely for the purpose of eliminating the waste being discharged into the creek. and causing the present condition.

Mr. J. H. Franklin, 3701 Selwyn Avenue, asked what the prospects are for the completion of the disposal plant this year? Also, if its operation with regard to the industrial waste will be postponed until the Irwin Creek Disposal Plant redesign is completed? Mr. Yancey stated that action will be taken today by the Council fixing the date as of January 1, 1955, to put the Sugaw Creek Plant into operation and if it were not contemplated that the work on the plant would be completed by that time, a later date would have been selected. Further, that the Sugaw Creek Plant and Irwin Creek Plant serve two separate drainage areas and it is a matter of law if one can be enforced without the other. Mr. John Shaw, City Attorney, stated he did not think this would be a problem and that industries would be glad to comply with the ordinance.

RESOLUTION PROVIDING FOR FILING BUDGET ESTIMATE FOR FISCAL YEAR 1954-55 AND PUBLICATION OF SYNOPSIS.

A resolution entitled: "Resolution Providing for Filing the Budget Estimate for the Fiscal Year 1954-55 with the City Clerk and the Publication of the Synopsis" was introduced and read. Councilman Dellinger 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 212.

EFFECTIVE DATE OF ORDINANCE REGULATING THE DISCHARGE OF SUBSTANCES INTO SANITARY SEWER SYSTEM EXTENDED TO JANUARY 1, 1955.

Councilman Brown moved that the effective date of the Ordinance Regulating the Discharge of Substances into the Sanitary Sewer System of Charlotte be extended from July 19, 1954, to January 1, 1955, as recommended by the City Manager. The motion was seconded by Councilman Wilkinson, and unanimously carried.

SUPPLEMENT TO CONTRACT WITH STATE OF NORTH CAROLINA COVERING INCREASE IN RENTAL ON AIRPORT BUILDINGS USED BY NORTH CAROLINA AIR NATIONAL GUARD.

Motion was made by Councilman Smith, seconded by Councilman Brown, and unanimously carried, authorizing the Mayor and City Clerk to execute a Supplement to the contract with the State of North Carolina, to increase the monthly rental from \$300.00 to \$400.00 on 28 buildings at Douglas Municipal Airport used by the North Carolina Air National Guard, for a period of one year, by reason of additional aircraft now assigned to the 156th Fighter Bomber Squadron stationed at the Airport.

INSTALLATION OF STEAM PIPE LINES UNDER BEATTY'S FORD ROAD AUTHORIZED.

Councilman Dellinger moved that the installation of steam pipe lines, incased in concrete, under Beatty's Ford Road, in connection with building construction at Johnson C. Smith University, be authorized, as recommended by the City Manager. The motion was seconded by Councilman Baxter, and unanimously carried.

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CONNECTION OF PRIVATE SANITARY SEWER LINES TO CITY'S SANITARY SEWERAGE SYSTEM AUTHORIZED.

Upon motion of Councilman Smith, seconded by Councilman Baxter, and unanimously carried, the connection of the following private sanitary sewer lines outside the city limits, to the City's Sanitary Sewerage System was authorized upon condition that they comply with all laws, rules and regulations now in effect, or which may hereafter become effective relative to property similarly situated:

- (a) N. G. Speir to connect 3,798 feet of sanitary sewer lines in Madison Park Subdivision.
- (b) N. G. Speir to connect 6,598 feet of sewer lines in Madison Park Subdivision.
- (c) A. B. Fleishman to connect 677 feet of sewer lines in Wendover Hills Subdivision.
- (d) Henry G. Newson to connect 2,247 feet of sewer lines in Wendover Hills Subdivision.

CONSTRUCTION OF SANITARY SEWER MAIN IN CAROL AVENUE APPROVED.

Councilman Baxter moved approval of the construction of 310 feet of sanitary sewer main in Carol Avenue, at request of McArn & Gwynn Company, at an estimated cost of \$1,000.00, to serve six vacant lots; with all costs to be borne by the City and applicant's deposit of the \$1,000.00 to be refunded as per terms of the contract. The motion was seconded by Councilman Dellinger, and unanimously carried.

CONTRACTS WITH F. W. HOLMES AND MRS. VIRGINIA BELL RHODES APPROVED FOR THE CONSTRUCTION OF WATER MAINS IN F. W. HOLMES SUBDIVISION, AND IN CASSAMIA PLACE & TRADITIONAL DRIVE.

Upon motion of Councilman Baxter, seconded by Councilman Dellinger, and unanimously carried, contracts were authorized for the construction of water mains, as follows:

- (a) Contract with F. W. Holmes, 400 Park Road, for the construction of 3,660 feet of water main and 3 fire hydrants, in F. W. Holmes Subdivision, outside the city limits, at an estimated cost of \$9,320.00, to serve residential property. All costs to be borne by the applicant, who will dedicate the mains to the city upon completion.
- (b) Contract with Mrs. Virginia Bell Rhodes, 318 Cherokee Road, for the construction of 550 feet of main in Cassamia Place and Traditional Drive, inside the city limits, at an estimated cost of \$1,050.00, to serve 5 lots. All costs to be borne by the City, and applicant to guarantee a gross annual water revenue equal to 10% of the total cost.

CONSTRUCTION OF DRIVEWAY ENTRANCES APPROVED.

Motion was made by Councilman Dellinger, seconded by Councilman Wilkinson, and unanimously carried, authorizing the construction of driveway entrances at the following locations:

- (a) One 10-ft. driveway at 2120 Commonwealth Avenue.
- (b) One 35-ft. driveway at 1115 Independence Boulevard.
- (c) Two 35-ft. driveways at 1107-1111 Independence Boulevard.

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AWARD OF CONTRACT TO RICHLAND SHALE PRODUCTS COMPANY FOR VITRIFIED CLAY PIPE.

Councilman Baxter moved that contract be awarded the low bidder, Richland Shale Products Company, for 30,000 linear feet of No. 1 Vitrified Clay Pipe, 8-inch diameter, as specified, on a unit price basis, representing a total price of \$12,600.00, less cash discount of \$631.50, or a net delivered price of \$11,968.50. The motion was seconded by Councilman Wilkinson, and unanimously carried.

AWARD OF CONTRACT TO CRAWFORD SUPPLY COMPANY FOR CAST IRON SOIL PIPE.

Upon motion of Councilman Brown, seconded by Councilman Baxter, and unanimously carried, contract was awarded the low bidder, Crawford Supply Company, for 20,000 linear feet of 4-inch single-hub, 5-ft. joints, and 2,000 linear feet of 4-inch double-hub, 5-ft. joints, Cast Iron Soil Pipe, all as specified, on a unit price basis, representing a total price of \$10,970.00, less cash discount of \$219.40, or a net delivered price of \$10,750.60.

LEASE AUTHORIZED WITH CIVIL AERONAUTICS ADMINISTRATION FOR REMOTE TRANSMITTER AND ENGINE GENERATOR SITES AT DOUGLAS MUNICIPAL AIRPORT.

Motion was made by Councilman Dellinger, seconded by Councilman Smith, and unanimously carried, authorizing the Mayor and City Clerk to execute a lease with the Civil Aeronautics Administration for the Remote Transmitter and Engine Generator Sites at Douglas Municipal Airport, for a period of one year from July 1, 1954, at a rental of \$1.00 per annum.

LEASE OF AIRPORT BUILDINGS AND SPACE AND DISPLAY CASES IN NEW AIRPORT TERMINAL AUTHORIZED.

Upon motion of Councilman Brown, seconded by Councilman Albea, and unanimously carried, the leasing of the following listed Airport buildings and space and display cases in the New Airport Terminal were approved:

BUILDING NO.	LESSEE	MONTHLY RENTAL	DATE AND TERM OF LEASE
<u>New Terminal Bldg.</u>			
Room 219	Airport Barber Shop	\$73.92	6-15-54 5 yrs.
Room 146	Yellow C b Company	13.02	6-15-54 5 yrs.
Display Case	Jefferson Standard Broadcasting Company	50.00	6-15-54 6 mos.
Display Case	Airport "77" Restaurant	50.00	6-15-54 1 yr.
Display Case	Cox, Chandlee & Jackson	50.00	7-1-54 1 yr.
<u>Outside Bldgs.</u>			
252	Otis L. Johnson	22.50	6-1-54 1 yr. renewal
348	Commercial Laundry	12.80	4-1-54 1 yr. renewal

CITY MANAGER AUTHORIZED TO NEGOTIATE THE LEASE OF PROPERTY AT THE NEW AIRPORT TERMINAL IN SAME MANNER AS FOR BUILDINGS AND GROUND HERETOFORE.

Councilman Albea moved that the same authority be extended the City Manager to negotiate the lease of property in the New Airport Terminal and report same to the Council as heretofore on buildings and grounds at the Airport. The motion was seconded by Councilman Brown, and unanimously carried.

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TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with N. A. Maydanis, for Lot 270, in Section 4-A, Evergreen Cemetery, at \$81.90.
- (b) Deed with Miss Mary Luckey, for Perpetual Care on the south-west quarter of Lot 26, in Section J, Elmwood Cemetery, at \$25.00.
- (c) Deed with L. A. Warner, for Perpetual Care on Lot 10, in Section I, Ninth Street Pinewood Cemetery, at \$144.00.

ADJOURNMENT.

Councilman Baxter moved that the meeting adjourn, which was seconded by Councilman Dellinger, and unanimously carried.

Leicester R. Hayman
City Clerk