

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Wednesday, March 5, 1952, at 4 o'clock p.m., with Mayor Shaw presiding, and Councilmen Albea, Baxter, Boyd, Coddington, 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 last meeting on February 27th, were approved as submitted.

J. A. MCDONALD REGISTERS PROTEST AGAINST HOLDING SOAP-BOX DERBY AGAIN ON ELIZABETH AVENUE BECAUSE OF DAMAGE TO YARDS BY SPECTATORS.

Mr. J. A. McDonald, resident of 1235 Elizabeth Avenue, protested against holding the annual Soap-Box Derby on Elizabeth Avenue because of the damage to the turf and shrubbery in the yards of residents by spectators viewing the races. He stated that he understood The Charlotte News sponsored the Derby and he had been to see Mr. Dowd of The News relative to changing the location but had not received a reply from him. Mayor Shaw advised Mr. McDonald that the Derby Committee was considering other sites for the event, including Hawthorne Lane Extension and in all probability another site would be selected.

PROTESTS REGISTERED BY RESIDENTS OF CHELSEA DRIVE AND BRANDYWINE ROAD AGAINST PROPOSED REMOVAL OF DUKE POWER BUS.

Mr. Ben Horack, resident of 219 Brandywine Road and Mr. E. A. Rosenblatt of 2941 Chelsea Drive, again appeared before Council relative to their previous request for the removal of Duke Power Company Bus route via Chelsea Drive and Brandywine Road. Mr. Horack stated he realized that the City Manager had not held the conference with interested residents and officials of the Duke Power Company, as directed by the Council at the last meeting, but he wished to be present and again request the bus route removal since a delegation opposing the change was present to voice their objections. Mr. Horack suggested that the bus operate over this loop during peak hours only and over Selwyn Avenue during the other hours. He urged that the Council take no action until a full investigation and report was made by Mr. Yancey, City Manager.

Miss Ethel Hayes, 2935 Chelsea Drive, Mr. E. J. Bunch, 218 Dellwood Avenue, Mrs. H. C. Grogan, 215 Brandywine Road, Mrs. R. S. Plyler, 2832 Chelsea Drive and Mr. R. T. Pinkerton, 2906 Hillside Avenue, voiced objections to the removal of the bus; it was stated that it is not a matter of changing the bus route but rather that Brandywine Road needs widening in order that traffic may move more readily with less damage to private property.

The Council agreed that no action in the matter would be taken without a hearing and notice given to interested residents through the newspapers.

REQUEST FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF A NEGRO TAXICAB COMPANY REFERRED TO CITY ATTORNEY AND CITY MANAGER FOR CONFERENCE WITH PETITIONER.

Mr. Charles V. Bekl, Attorney, appeared before Council with the four citizens he was representing, and stated that they had been issued a Charter by the State of North Carolina to operate a taxicab company in Charlotte, and requested the Council to issue to them a Certificate of Public

Convenience and Necessity, which they understand is necessary before they can obtain a franchise for the operation of the Cab Company. Mr. Bell stated that in view of the fact that the city limits were recently extended, bringing approximately 25,000 more citizens into the city, that additional cabs are needed to service these and other citizens. He advised that his clients are in position to meet the major requirements of the Taxicab Ordinance as he understands it. During the discussion, it was pointed out that an application must be filed, containing certain information as set forth in the Taxicab Ordinance. Mr. Bell advised that they had not purchased the cabs nor taken out the insurance on the cabs, as they desire to know if the Council will issue the Certificate before proceeding further with their plans. Councilman Dellinger moved that the City Manager and City Attorney confer with Mr. Bell as to the proper method of procedure and to see if his clients can meet the financial requirements of the ordinance, in order that the Council may consider the matter. The motion was seconded by Councilman Baxter, and unanimously carried.

TRANSFER OF FUNDS TO ENGINEERING DEPARTMENT FOR REPAIRS TO SIDEWALKS.

Councilman Van Every moved that \$4,000.00 be transferred from the Emergency Fund (Code 110) to the Engineering Department, Street Division, (Code 513-B-23) for repairs to sidewalks, as recommended by the City Manager. The motion was seconded by Councilman Dellinger, and unanimously carried.

CONSTRUCTION OF SANITARY SEWER IN RENNER STREET.

Upon motion of Councilman Dellinger, seconded by Councilman Van Every, and unanimously carried, the construction of 129 feet of 8 inch sanitary sewer was authorized in Renner Street, at an estimated cost to the City of \$300.00, to serve two family units and five vacant lots.

CONTRACT WITH MISS LILA KIRKPATRICK FOR CONSTRUCTION OF WATER MAINS IN GLEN KIRK SUBDIVISION.

Motion was made by Councilman Jordan, seconded by Councilman Van Every, and unanimously carried, authorizing a contract with Miss Lila Kirkpatrick for the construction of 3,100 feet of 2 inch water mains in Park Road, at an estimated cost of \$3,875.00, to serve residential property in three blocks of the subdivision. All costs to be borne by the applicant, who will own the mains until such time as the territory is taken into the city.

CONSTRUCTION OF DRIVEWAY ENTRANCE AT 1521 SCOTLAND AVENUE APPROVED.

Upon motion of Councilman Alba, seconded by Councilman Jordan, and unanimously carried, the construction of a 10 foot driveway entrance at 1521 Scotland Avenue was authorized.

REPORT OF LEASE OF AIRPORT BUILDINGS.

The City Manager reported that leases had been concluded on the following buildings at Douglas Municipal Airport:

BUILDING NO.	LESSEE	MONTHLY RENTAL	DATE	AND TERM OF LEASE
319	Elliott Manufacturing Company	\$10.00	3-1-52	1 year renewal
49	Carolina Metal Products Company	25.80	3-1-52	1 year

PURCHASE OF SPECIALLY PREPARED DUPONT CHEMICAL FOR DEODORIZATION OF SUGAW CREEK, AND ALLOCATION OF FUNDS THEREFOR.

Mr. Yancey, City Manager, advised that it is the recommendation of Dr. M. B. Bethel, Health Officer, that a specially prepared Dupont Chemical be used in Sugaw Creek in an effort to deodorize the creek or at least make the odors less offensive. Therefore, he recommended the purchase of four barrels of the chemical, at a cost of \$2,500.00, for a 90 days trial. Councilman Alba moved that the material be purchased as recommended, and that \$2,500.00

be allocated from the Emergency Fund (Code 110) to the Health Department Budget for this purpose. The motion was seconded by Councilman Van Every, and unanimously carried.

INSTALLATION OF NEW STORM SEWERS IN CHARLOTTE DRIVE AUTHORIZED.

Councilman Van Every moved that the installation of new storm sewers be authorized in the 2100 block of Charlotte Drive, at an estimated cost to the City of \$5,000.00, to replace the 700 feet of existing sewers which are too small to properly drain the area, as recommended by the City Manager. The motion was seconded by Councilman Albea, and unanimously carried.

SETTLEMENT OF CONTRACT WITH R. J. TODD WITHOUT PENALTY, COVERING CONSTRUCTION OF SANITARY SEWERS.

The City Manager advised that the contract with R. J. Todd for the construction of new sanitary sewers has been completed and due to the quantity of rock encountered on the project the time limit for the work was exceeded by 104 days, which will result in a penalty of \$1,040.00. He recommended that in view of the fact that the delay did not cause any inconvenience to the City that the penalty be waived and final settlement be made on the amount of work done at the unit prices set forth in the contract. Councilman Baxter moved that the penalty be waived and settlement be made as recommended. The motion was seconded by Councilman Dellinger, and unanimously carried.

RESOLUTION AUTHORIZING EXECUTION OF LICENSE AGREEMENT BETWEEN THE SOUTHERN RAILWAY AND THE CITY OF CHARLOTTE WITH RESPECT TO GRADE CROSSING SIGNALS AT CAMDEN ROAD AND EAST PARK AVENUE, AND EAST BOULEVARD.

A resolution entitled, "Resolution Authorizing Execution of License Agreement between the Southern Railway and the City of Charlotte with Respect to Grade Crossing Traffic Signals at Camden Road and East Park Avenue and East Boulevard", was introduced and read. Upon motion of Councilman Van Every, seconded by Councilman Jordan, the resolution was unanimously adopted. The resolution is recorded in full in Resolutions Book 1, at Page No. 467.

THOS. G. LANE, SOLICITOR, GRANTED PERMISSION TO ATTEND TRAFFIC COURT CONFERENCE AT UNIVERSITY OF ALABAMA WITH EXPENSES PAID BY CITY.

Councilman Coddington moved that the request of Mr. Thomas G. Lane, City Solicitor, be granted that he be permitted to attend a Traffic Court Conference at the University of Alabama on March 17-24, and that his actual expenses be paid by the City. The motion was seconded by Councilman Dellinger, and unanimously carried.

FRANK T. MILLER, CONSULTING ENGINEER, ENGAGED TO FURNISH PLANS, ETC. FOR GRADE SEPARATION ON SOUTH TRYON STREET IN CONNECTION WITH SUIT RESTRAINING THE CITY FROM EXECUTING CONTRACT WITH SOUTHERN RAILWAY.

Upon the recommendation of the City Attorney and City Manager, Councilman Jordan moved that Mr. Frank T. Miller, Consulting Engineer, be engaged to furnish additional sketches, plans and other information for a grade separation of the Southern Railway tracks on South Tryon Street near the Charlotte Observer building, together with other pertinent information, in connection with the suit now pending in the Courts restraining the City from executing a contract with the Southern Railway Company, at a cost not to exceed \$500.00, same to be charged as part of the cost of this litigation. The motion was seconded by Councilman Baxter, and unanimously carried.

FUNDS ALLOCATED FROM THE WEST FIFTH STREET IMPROVEMENT PROJECT TO THE ENGINEERING DEPARTMENT FOR STREET MAINTENANCE.

The City Manager advised that \$40,000.00 is needed for street maintenance work for the remainder of the fiscal year and there is only \$12,000.00 remaining in this fund, which will be required for oiling operations for dust control on unpaved streets. He suggested that \$40,000.00 of the \$95,000.00 allocated for West Fifth Street Improvements be reallocated for street maintenance, as it will not be required for the Fifth Street project before the end of the fiscal year. Councilman Van Every moved that \$40,000.00 of the Powell Act Funds allocated for the West Fifth Street Improvement project be reallocated for street maintenance. The motion was seconded by Councilman Jordan, and unanimously carried.

INSTALLATION OF TRAFFIC SIGNAL AT TREMONT AVENUE AND SOUTH BOULEVARD.

Upon motion of Councilman Van Every, seconded by Councilman Albea, and unanimously carried, the installation of a traffic signal was authorized at Tremont Avenue and South Boulevard.

ADJOURNMENT.

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

Lillian P. Wagoner
City Clerk