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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, September 22, 1954, at 11 o'clock a.m., with Mayor Van Every presiding, and Councilmen Albea, Baxter, Boyd, Brown, Dellinger, Smith and Wilkinson present.

Absent: None

#### INVOCATION.

The invocation was given by Councilman Claude L. Albea.

#### MINUTES APPROVED.

Upon motion of Councilman Smith, seconded by Councilman Wilkinson, and unanimously carried, the minutes of the last meeting were approved as submitted.

#### CHARLOTTE DENTAL SOCIETY ACQUAINTS COUNCIL WITH BENEFITS DERIVED FROM FLUORIDATION OF WATER SUPPLY.

Dr. J. B. Freedland, Chairman of the Fluoridation Committee of the Charlotte Dental Society, was spokesman for a delegation composed of Dr. Bernard Walker, President of the N. C. Dental Society, Dr. Kendrick, President of the Mecklenburg County Dental Society, Dr. Ralph Jarrett, member of the City Health Board, Dr. Laura Venning, Chairman of the Health Committee of the N. C. Congress of Parent-Teacher Association, and Dr. M. B. Bethel, City Health Officer. Dr. Freedland stated they were appearing in behalf of the Charlotte Dental Society to acquaint the Council with a premeditated campaign to discredit the fluoridation program, which was put in effect here about five years ago. He advised that the dentists are viewing with concern the attempt to discredit the program. That the Board of Health and Dental Society endorses the program as safe, effective and economical, designed to reduce tooth decay. That the American Dental Association, American Association of Public Health Dentists, American Society of Dentistry for Children, American Academy of Pediatrics and other state and local health associations for the advancement of science, endorse fluoridation. He stated that the local dentists know of nothing that is not good in the program, and wish its continuation for the benefit of our citizens.

Dr. Laura Venning stated that as a scientist she would like to add what she knows about facts in the fluoridation process of water. That it has been shown very conclusively that it is most worthwhile. That her older child was born prior to the adoption of the program in Charlotte, and her other children since the program became effective, and that the children who have had the full benefit of the fluoridation of our water have teeth far superior to that of the older child, and it is her sincere hope that her children can continue to receive fluoridation.

Dr. Bethel advised the group was not asking the Council "to do anything, but are asking that they not undo anything" in connection with the fluoridation program.

#### COUNTRY CLUB DRIVE AUTHORIZED OPENED FROM PRESENT DEAD END TO CONNECT WITH ANNE STREET.

Mr. W. T. Covington, Attorney representing residents of Country Club Drive, approximately fifteen of whom were present, who oppose the requested opening of the street at its dead-end to provide a direct route to the new Shamrock Gardens School, stated that when the School was constructed the School Board requested the City to pave Anne Street, on which the school is located and to consider the paving of Country Club Drive, lying south of the school. That the property owners on the street immediately filed a petition asking that the dead-end portion of the street not be opened, as it provided a quiet residential area and there is no public necessity for the street to be opened beyond its present dead-end to the

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inconvenience, detriment and damage to the home-owners along the street. That if the street is opened and made a thoroughfare, it will decrease property values. Mr. Covington called attention to the fact that the street actually serves the school children from the west in that it provides a quiet street, without heavy traffic, on which children may walk or ride bicycles to school, parking the bicycles at the dead-end of the street and walking over the footbridge the 600 feet to Shamrock Drive. He stated further that petitions requesting the opening of this street have been filed by residents of Country Club Heights, which lies south and east of the street and is some fourteen acres from Country Club Drive and whose residents or children will not use the street at all. He urged the Council to consider the question from the point of its serving the general public, against the damage it will do to the property owners on the street. He stated further that the 600 foot strip at the dead-end between Country Club Drive and Shamrock Drive is private property, the title of which is in the names of the property owners and is so shown on the Spratt Map of the area recorded at the Court House, and can be condemned only as a public necessity and the price paid to the property owners and the Council will have exercised its power of eminent domain. He referred to the request of the School Board regarding the street, stating they had not termed it a public necessity but merely that it would serve a valuable school purpose and a connecting link to unbottle communities on both sides of the school site. He stated that his clients would grant an easement over the 600 foot strip for an all-weather walkway or footbridge. Mr. Covington stated he did not want to appeal to the Council's sympathy or prejudice, that it is simply a matter of property owners rights.

Mr. Kermit Caldwell, Attorney for the petitioners for the opening of Country Club Drive, approximately fifty of whom were present, stated that 175 of the 307 students attending Shamrock School are from the western area, in and around Country Club Drive, and not from the east or south. He presented a movie of the school and the approaches to the school, and the children walking along the embankment of Shamrock Drive and East Ford Road; whereas, with the opening of Country Club Drive, a more direct approach would be provided on a less traveled street. That their sole purpose in making the request for the street opening is the safety of the children. He presented Sergeant George Livingston, head of the Police Department's School Safety Division, who stated his study of the situation indicates the need for the opening of the street to divert some of the traffic from Shamrock Drive, now the main artery to the school.

Councilman Boyd stated that he appreciates the position of the people residing on Country Club Drive but believes it to be in the interest of the greatest number of citizens that the street be opened, therefore, he moved that the City Manager be authorized and instructed to take the necessary steps to open Country Club Drive from its present dead end to connect with Anne Street and that provisions be made for at least a sidewalk on the north side where the school fronts of a sufficient width to make it safe for children walking. And that the cost of the work in opening Country Club Drive be taken from the Powell Bill funds, and that the sidewalks be graded and gravelled. The motion was seconded by Councilman Dellinger, and unanimously carried.

MAYOR PRO TEM PRESIDES FOR REMAINDER OF SESSION.

Mayor Van Every left the meeting at this time and Mayor pro tem Smith presided for the remainder of the session.

STATE HIGHWAY COMMISSION REQUESTED TO CONSIDER CONSTRUCTION OF AN ENTRANCE TO MYERS PARK HIGH SCHOOL.

Councilman Brown called attention to the congested condition at Myers Park High School because of there being only one entrance to the School. He stated it would appear that a second entrance could be provided to connect with Celanese Drive or Selwyn Avenue. Mr. Yancey, City Manager, advised that since the area adjacent to the school is outside the city limits it would be necessary for the road to be provided by the State Highway Commission. Councilman Brown moved that the State Highway Commission be requested to consider providing an entrance in its secondary road system. The motion was seconded by Councilman Albea, and unanimously carried.

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RESOLUTION PROVIDING FOR PUBLIC HEARING ON OCTOBER 13TH IN CONNECTION WITH CHANGE IN BUILDING ZONE MAP FROM R-2 TO INDUSTRIAL ON LOT AT 529 DOWD ROAD.

Following the presentation of a proposed ordinance amending the Zoning Ordinance to change the building zone map from R-2 to Industrial on a portion of a lot located at 529 Dowd Road, a Resolution Providing for a Public Hearing on the proposal on October 13th, was introduced and read, Councilman Wilkinson moved the adoption of the resolution, which was seconded by Councilman Dellinger. The resolution is recorded in full in Resolutions Book 2, at Page 238.

APPLICATION OF YOUNGBLOOD TRUCKING COMPANY TO CONSTRUCT STORAGE WAREHOUSE AT 122 WEST GRIFFITH STREET APPROVED.

Upon motion of Councilman Brown, seconded by Councilman Wilkinson, and unanimously carried, the application of Youngblood Trucking Company to construct a storage warehouse at 122 West Griffith Street, in an Industrial Zone, was approved.

AGREEMENT WITH STATE HIGHWAY COMMISSION AS CO-SIGNER WITH J. A. JONES CONSTRUCTION COMPANY FOR RIGHT-OF-WAY FOR INSTALLATION, MAINTENANCE AND OPERATION OF WATER MAINS IN JUDITH LANE AND BRIDLE PATH LANE.

Councilman Dellinger moved that the Mayor and City Clerk be authorized to execute an agreement with the State Highway & Public Works Commission as co-signer with the J. A. Jones Construction Company for right-of-way for the installation, maintenance and operation of water mains in Judith Lane and Bridle Path Lane. The motion was seconded by Councilman Wilkinson, and unanimously carried.

SUPPLEMENTARY CONTRACTS APPROVED WITH ERVIN CONSTRUCTION CO. INC. AND CONCORD BOULEVARD WATER LINE CO. INC. FOR CONSTRUCTION OF WATER MAINS.

Upon motion of Councilman Albee, seconded by Councilman Brown, and unanimously carried, the following supplementary contracts were approved:

- (a) Supplement to contract (dated August 6, 1952) with Ervin Construction Company, Inc., for the construction of 5,540 feet of main and 5 fire hydrants in Eastway Park, at an estimated cost of \$14,750.00. The City to finance all construction cost and Applicant will guarantee a gross annual water revenue equal to 10% of the total cost.
- (b) Supplement to contract (dated Feb. 11, 1953) with Ervin Construction Company, Inc. for the construction of 575 ft. of mains in Beechwood Acres, outside the city limits, at an estimated cost of \$800.00. All costs to be borne by the Applicant, who will own the mains until the territory is incorporated into the City.
- (c) Supplement to contract (dated May 5, 1954) with Concord Boulevard Water Line Company, Inc. for the construction of 365 ft. of main and one hydrant at the entrance to Southern States Fair Grounds, outside the city limits, at an estimated cost of \$1,200.00, to serve the Fair Ground buildings. All costs to be borne by the applicant, who will own same until the territory is taken into the City.

CONSTRUCTION OF SANITARY SEWER MAINS AUTHORIZED.

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

- (a) 875 ft. of mains in Independence Boulevard West, to serve properties before paving by the State Highway Commission, at an estimated cost of \$2,560.00. All costs to be borne by the City.

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- (b) 125 ft. of mains in Hanson Street, to serve one family unit and one vacant lot, at an estimated cost of \$200.00. All costs to be borne by the City.
- (c) 944 ft. of mains in Independence Boulevard, to serve properties before paving by the State Highway Commission, at an estimated cost of \$3,130.00. All costs to be borne by the City.
- (d) 414 ft. of main and trunk line in Willow Oak Road, to serve 4 vacant lots, at an estimated cost of \$1,140.00. All costs to be borne by the City, and refund of Applicant's deposit of the full amount as per terms of the contract.

LEASE WITH STATE OF NORTH CAROLINA FOR SPACE AT AIRPORT FOR PARKING PLANES OF ARMY AIR CORP AND NATIONAL GUARD.

Councilman Dellinger moved approval of the lease to the State of North Carolina of space at Douglas Municipal Airport near the old administration building for airplane parking by the Army Air Corp and Air National Guard, for a period of 50 years. The motion was seconded by Councilman Wilkinson, and unanimously carried.

STREETS TAKEN OVER FOR MAINTENANCE.

Upon motion of Councilman Brown, seconded by Councilman Albee, and unanimously carried, the following streets were taken over for maintenance:

- (a) Cassamia Place, from Pinewood Circle to Traditional Lane.
- (b) Traditional Lane, from Cassamia Place to dead-end.

CONTRACT AWARDED CHARLOTTE OBSERVER FOR PUBLICATION OF 1953 DELINQUENT CITY TAXES.

Motion was made by Councilman Albee, seconded by Councilman Brown, and unanimously carried, awarding contract to the Charlotte Observer, for the publication of the 1953 Delinquent City Taxes, on August 16, 23, 30 and September 7th, amounting to 1,514 $\frac{1}{2}$  columnar inches, on the basis of \$1.20 per columnar inch, representing a total price of \$1,817.40.

CONSTRUCTION OF DRIVEWAY ENTRANCES APPROVED.

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

- (a) One 35-ft. driveway at 422 N. Graham Street.
- (b) One 15-ft. driveway at 1000 West 4th Street.
- (c) One 30-ft. driveway at 1115 Elizabeth Avenue.

LEASE OF AIRPORT BUILDING NO. 92 RENEWED TO DEAN ELLIS.

The City Manager reported that lease of Airport Building No. 92 has been renewed to Mr. Dean Ellis for use as oil storage, for a period of one year at a monthly rental of \$30.00.

DR. W. L. VENNING, JR. AND D. C. LISK REAPPOINTED TO HEALTH ADVISORY COMMITTEE.

Motion was made by Councilman Brown, seconded by Councilman Albee, and unanimously carried, approving the reappointment of Dr. W. L. Venning, Jr. and Mr. D. Clyde Lisk to the Health Advisory Committee by the City Manager for terms of five years.

TRANSFER OF CEMETERY LOT.

Upon motion of Councilman Albee, seconded by Councilman Dellinger, and unanimously carried, the Mayor and City Clerk were authorized to execute a deed with Mr. H. T. Orr, for the transfer of Lot 336, Section 4-A, Evergreen Cemetery, at a price of \$126.00.

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RESOLUTION DIRECTING COLLECTOR OF REVENUE TO LEVY ON PERSONAL PROPERTY BELONGING TO WANCO HOSIERY MILLS, INC. TO SATISFY CITY TAXES.

A resolution entitled: "Resolution Directing Collector of Revenue to Levy on Personal Property Belonging to Wanco Hosiery Mills, Inc. to Satisfy City Taxes" was introduced and read. Councilman Albea 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 239.

SALE OF BUILDING NO. 73 AT AIRPORT TO EASTERN AIR LINES.

Upon motion of Councilman Wilkinson, seconded by Councilman Albea, and unanimously carried, the sale of Airport Building No. 73 to Eastern Airlines at a price of \$75,00 to be used as temporary quarters for their maintenance shops, was authorized as recommended by the City Manager.

CONSTRUCTION OF SANITARY SEWER MAIN IN BENARD AVENUE AUTHORIZED.

Motion was made by Councilman Albea, seconded by Councilman Wilkinson and unanimously carried, authorizing the construction of 367 feet of sanitary sewer and trunk sewer in Benard Avenue, to serve three family units and one vacant lot, at an estimated cost of \$1,040.00. All costs to be borne by the City.

CONNECTION OF SEWER LINES PRIVATELY OWNED BY ERVIN CONSTRUCTION COMPANY TO THE CITY'S SEWERAGE SYSTEM.

Councilman Albea moved that the request of Ervin Construction Company be granted to connect 2,095 feet of privately owned sewer lines and 80 feet of trunk sewer to the City's sanitary sewerage system in Barkley Road, provided they comply with all laws, rules and regulations now in effect, or which may hereafter become effective relative to property similarly situated. The motion was seconded by Councilman Wilkinson, and unanimously carried.

SETTLEMENT OF CLAIM FOR REMOVAL OF TREE ON PALMER PROPERTY AT 1131 SOUTH TRYON STREET.

Councilman Wilkinson moved that the Palmer Estate be offered \$200.00 in settlement of claim of \$1,500.00 for the removal of a tree on the Palmer property at 1131 South Tryon Street. The motion was seconded by Councilman Dellinger, and unanimously carried.

INSTALLATION OF TRAFFIC SIGNAL AT GRIFFITH STREET, SOUTH BOULEVARD AND MARSH ROAD.

Councilman Brown advised that the traffic signal requested installed at Griffith Street, South Boulevard and Marsh Road, will be erected and put in effect by October 1st.

ADJOURNMENT.

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

*Lillian R. Hoffmann*  
City Clerk