

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 14, 1951, at 11 o'clock a.m., with Mayor Shaw presiding, and Councilmen Aitken, Albee, Boyd, Goddington, Daughtry and Wilkinson present.

Absent: Councilman Jordan.

INVOCATION.

The invocation was given by Mr. John Paul Lucas.

MINUTES APPROVED.

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

CHARTER AMENDMENT CREATING AN AUDITORIUM-COLISEUM AUTHORITY ADOPTED FOR PASSAGE BY NORTH CAROLINA LEGISLATURE.

Mr. H. H. Everett, President of the Chamber of Commerce and a group of Directors of the Chamber of Commerce and members of the Auditorium-Coliseum Building Committee appeared before Council in the interest of the Auditorium-Coliseum project. Mr. Everett expressed appreciation to the Council for making possible the project, and stated the Group wished to join with the Council in working out a plan for its proper operation. He introduced Mr. Henry J. Allison, Director of the Chamber of Commerce, who stated there was included in the original recommendations of the Auditorium Committee a recommendation that an Authority, removed from political influence, be appointed to administer the affairs of the Auditorium-Coliseum; that the recommendations in full were adopted by the Council and it was assumed that the appointment of an Authority was assured. However, the Council had drawn up a Bill and presented it to our Legislators that the project be set up as a department of the City; that it is now understood the Bill does not meet the approval of the Legislators and unless an acceptable plan is devised that no action in the matter will be taken by the Legislators. He stated with this in mind the Group has discussed the matter and has a further proposal to offer, which is sponsored by the Chamber of Commerce. He presented the proposal to amend the City Charter to create an Auditorium-Coliseum Authority composed of five members, elected by the City Council for staggered terms, who will make all rules and regulations for its operation and who will have control of the management and operation of the buildings and property; the Authority to appoint a Manager whose salary would be approved by the Council; the Authority to select its officers with the City Treasurer to serve as the Authority's treasurer; the net proceeds from the operation of the buildings to be used to pay the interest and retirement of the bonded debt incurred in connection with the buildings and for no other purpose except as approved by the Council for other uses of the Authority.

Mr. Allison further stated that in the opinion of the Group the buildings can best be handled by an Authority with an experienced promotional manager. He advised it is believed that the new proposal will meet the approval of our Legislators when they realize it has the backing of the Chamber of Commerce and many interested citizens. He urged the adoption of the proposal.

Mr. David Ovens spoke in behalf of the new proposal. He stated the project is a big investment and a forward movement for Charlotte and will pay big dividends if it is handled properly and by expert management. He expressed appreciation to the Council for honoring him by naming the Auditorium "Ovens Hall".

Councilman Aitken stated he did not like to delegate authority to a Commission over which the Council would have no control whatsoever, and was surprised at the Group sponsoring a bill to that effect; that should anything

go wrong under the management of the Authority the citizens would come to the Council whose hands would be tied. He stated further that the main reason the proposal is before the Council now is because another such independent Commission - the Park and Recreation Commission - is in existence over which the Council has no authority. He expressed the opinion that final authority in all matters pertaining to the City should rest with the Council, the duly elected representatives of the people. He asked the questions of the group, "do you really want an Authority to handle this project? Do you subscribe to the idea of the City Government delegating authority to Commissions over which they have no control? Would you wish the Health Department, Fire Department and others handled under Commissions such as the Park and Recreation Commission?"

Councilman Boyd expressed the opinion that the project could be operated under an Advisory Board similar to the Airport, with final authority vested in the Council. He also suggested that the proposed Bill be approved with the proviso added that the operation be subject to the approval of the City Council.

Mr. Jas. P. McMillan, Mr. McAllister Carson, Mr. E. A. Terrell, Mr. J. E. Dowd, Mr. J. H. Bridges, Mr. John Knott and Mr. John F. Watlington spoke for the proposed Bill, stating that the Legislature will adjourn shortly and unless some plan is immediately adopted that will be acceptable to our Legislators then the control and management of the project will be vested in the Park and Recreation Commission; that they understand from a reliable source that the Mecklenburg Representatives will approve the proposed Bill; that they feel the Auditorium-Coliseum is in a different category from the usual operations of the Park and Recreation Commission and should be operated under a separate management as a promotional project. That the Council has a measure of control in that they will appoint the Authority and the Group has confidence in the selection of the Authority by the City Council; that the terms of the Authority will be staggered so that one member may be replaced each year if the Council so desires. Also, that the Bill may not be perfect but it will be two years before the buildings will be in operation and if it is found that this is not the correct and best manner in which to operate the project then a further amendment may be submitted to the Legislature.

Following the discussion, Councilman Coddington moved that the proposed Charter amendment be adopted and the Mecklenburg Delegation be requested to present it to the State Legislature for passage. The motion was seconded by Councilman Aitken, and unanimously carried.

PETITION REQUESTING TRAFFIC SIGNAL LIGHT AT NORTH TRYON STREET AND SYLVANIA AVENUE DEFERRED ONE WEEK FOR INVESTIGATION AND REPORT.

Mr. S. C. Vaughn, 410 Sylvania Avenue, presented a petition signed by 148 residents of Sylvania Avenue, requesting the installation of a traffic signal at the intersection of North Tryon Street and Sylvania Avenue due to the danger to life, limb and property from the hazards of heavy traffic, estimated at 1,000 vehicles per hour. Councilman Boyd moved that the request be referred to the City Manager for an investigation by the Traffic Engineer and report at next week's meeting. Motion was seconded by Councilman Daughtry, and unanimously carried.

ADOPTION OF AMENDMENTS TO SECTIONS 50 and 51 OF THE CHARTER RELATIVE TO CONDEMNATION OF PROPERTY AND PERMANENT IMPROVEMENTS FOR STREET WIDENING EXTENSIONS AND IMPROVEMENTS, FOR PASSAGE BY THE NORTH CAROLINA LEGISLATURE.

Councilman Boyd submitted for consideration and presentation to the State Legislature for passage amendments to Sections 50 and 51 of the City Charter relative to the Condemnation of Property and Permanent Improvements, for street widening, extensions and improvements. Following the reading of the amendments Councilman Boyd moved their adoption and that they be presented to the Mecklenburg Legislators with request for their passage by the General Assembly. His motion was seconded by Councilman Albea, and unanimously carried. Said amendments are filed with the City Clerk.

RESOLUTION PROVIDING FOR ADVERTISEMENT IN CONNECTION WITH THE CONDEMNATION OF LOTS 9 and 10 IN BLOCK 3 OF DOUGLAS ACRES.

A resolution entitled, "Resolution Providing for the Advertisement in Connection with the Condemnation of Lots 9 and 10 in Block 3 of Douglas Acres and Belonging to Ralph R. Holland and Jackson S. Blythe" was introduced and read. Councilman Wilkinson moved the adoption of the resolution. Motion was seconded by Councilman Aitken, and unanimously carried. The resolution is recorded in full in Resolutions Book 1, beginning at Page 369.

CANCELLATION OF DEEDS AND REVOCATION OF CONFIRMATION OF SALE OF TAX FORECLOSED PROPERTIES ON ROSLYN AVENUE, SOUTH BREVARD STREET AND SEIGLE AVENUE.

Upon motion of Councilman Aitken, seconded by Councilman Wilkinson and unanimously carried, the cancellation of deeds with the following persons and the revocation of action confirming the sale of the following properties due to foreclosed proceedings not meeting the requirements of the Lawyers Title Insurance Corporation and the F.H. A. loan requirements, were authorized:

- (a) Deed with Realty Syndicate, Inc., on August 9, 1950, for 2026-28 Roslyn Avenue, for \$890.00.
- (b) Deed with P. D. Alexander & S. M. Athans, on October 7, 1946 for 113-15 South Brevard Street, for \$8,100.00.
- (c) Deed with Piedmont Gospel Tabernacle, on August 20, 1946 for 961 Seigle Avenue, for \$450.00.

PURCHASE OF LAND ON EAST STONEWALL STREET FOR WIDENING & OPENING STONEWALL STREET.

Councilman Wilkinson moved approval of the purchase of a strip of land fronting 75-feet on the northerly side of East Stonewall Street, having a width at the west end of 10 feet along the easterly side of South Brevard Street and a width at the east end of 8.42 feet along the west line from Mr. H. E. Rea and wife, Evelyn C. Rea, for the sum of \$5,250.00, for the widening and opening of Stonewall Street. Motion was seconded by Councilman Aitken, and unanimously carried.

TRANSFER FROM EMERGENCY FUND TO PURCHASING DEPARTMENT FOR TEMPORARY ASSISTANCE.

Motion was made by Councilman Albea, seconded by Councilman Wilkinson and unanimously carried, authorizing the transfer of \$687.96 from the Emergency Fund (Code 110) to the Purchasing Department (Code 503 A-7) for temporary stenographic assistance.

UN-NAMED STREET FROM THE PLAZA 200 FEET SOUTH OF NORFOLK-SOUTHERN RAILWAY EAST TO POTTERS ROAD, NAMED "HIGHWAY PLACE".

Councilman Coddington moved that the un-named street from The Plaza 200 feet south of the Norfolk-Southern Railway east to Potters Road, be named "Highway Place" as recommended by the Planning Board and City Engineer. Motion was seconded by Councilman Aitken, and unanimously carried.

SUBDIVISION PLATS APPROVED.

Upon motion of Councilman Wilkinson, seconded by Councilman Albea, and unanimously carried, the following subdivision plats were approved as recommended by the Planning Board:

- (a) Plat of W. T. Baugh property, in Sharon Township approximately 7/8 of a mile from the city limits, and being developed by Mr. Baugh.
- (b) Revised Plat of Echo Hills, bounded on the north by Independence Boulevard and on the east by Mayview Hills and Vinewood Place, and being developed by J. M. Wallace and R. W. McManus.

ACQUISITION OF PROPERTY FOR EXTENSION OF HILLSIDE AVENUE DEFERRED ONE WEEK.

Action was deferred for one week at the request of the City Attorney on the matter of acquiring necessary property from Mr. Harry P. Murray in connection with the extension of Hillside Avenue.

CONTRACT WITH THE PARK ROAD WATER COMPANY FOR INSTALLATION OF WATER MAIN IN ROSEDALE HEIGHTS.

Motion was made by Councilman Coddington, seconded by Councilman Aitken, and unanimously carried, authorizing a contract with The Park Road Water Company for the installation of 560 feet of 2 inch water mains in Rosedale Heights, outside the corporate limits, at an estimated cost of \$680.00, to serve 12 residential lots. The applicant to bear the costs and said mains to automatically become the property of the City if and when the property is taken into the City.

CONSTRUCTION OF SANITARY SEWERS IN ELLISON STREET AND IN HANSON DRIVE.

Upon motion of Councilman Alba, seconded by Councilman Wilkinson, and unanimously carried, the construction of sanitary sewers at the following locations was authorized:

- (a) 924 feet of sewer main and trunk sewer in Ellison Street, at an estimated cost of \$2,025.00, to serve 5 family units at request of John M. Dwelle. All costs to be borne by the City and applicant's deposit of \$115.00 to be refunded as per terms of the contract.
- (b) 200 feet of sewer main in Hanson Drive, at an estimated cost of \$470.00, to serve 3 family units at request of C. A. Sears. All costs to be borne by the City.

REFUND OF DEPOSIT ON CONTRACT FOR SANITARY SEWERS CONSTRUCTION IN PARK ROAD AND SELWYN AVENUE TO B. F. WELLONS.

Councilman Coddington moved that refund of deposit in the amount of \$640.00 be made to Mr. B. F. Wellons on contract dated July 5, 1950 for the construction of sanitary sewers in Park Road and Selwyn Avenue. Motion was seconded by Councilman Wilkinson, and unanimously carried.

CONTRACTS FOR PURCHASES AUTHORIZED.

Upon motion of Councilman Alba, seconded by Councilman Aitken, and unanimously carried, contracts were awarded for purchases as follows:

- (a) Supplementary contract with Gibson Piping & Construction Company for additional sewer construction at various locations, on a unit price basis in accordance with the original contract dated April 5, 1950, representing a total supplementary contract in the amount of \$9,556.66.
- (b) Contract with Grinnell Company, Inc., for 1200 Dresser Couplings as specified, at a total cost of \$1,840.00, subject to 2% 10 days cash discount.
- (c) Contract with Southern Desk Company, Inc. for 134 Chairs and accessories, as specified, at a net delivered price of \$1,072.00.
- (d) Contract with National Welders Supply Company, Inc., for Two Emerson Dual Resuscitators and accessories, at a net delivered price of \$1,066.00.
- (e) Contract with Blythe Bros. Company for 5,000 feet of Copper Tubing, at a net delivered price of \$1,750.00.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

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

- (a) One 30 foot driveway entrance at 412 East 7th Street.
- (b) One 18 foot driveway entrance at 100 N. McDowell Street.
- (c) One 10 foot driveway entrance at 1685 Sterling Road.
- (d) One 10 foot driveway entrance at 1925 The Plaza.

SPECIAL OFFICER PERMITS AUTHORIZED.

Councilman Albea moved that Special Officer Permit be issued to Mr. J. A. Deering for use on the premises of the Railway Express Agency, and that Permit be renewed to Mr. T. L. Query for use on the premises of A & P Tea Company. Motion was seconded by Councilman Aitken, and unanimously carried.

EASTER HOLIDAY GRANTED CITY EMPLOYEES.

Upon motion of Councilman Albea, seconded by Councilman Coddington, and unanimously carried, City Employees were granted a holiday on Easter Monday, March 26th.

REPORT OF LEASE OF AIRPORT BUILDINGS.

Mr. Yancey, 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
70	Brown Equipment Company	\$75.09	2-15-51 2 years
119	Canada Dry Ginger Ale	20.00	3-1-51 1 year renewal
100	" " "	20.00	3-1-51 1 year
47	R & L Mfg. Company	25.80	2-1-51 1 year
71	Brown Truck Trailer Mfg. Co.	91.80	3-1-51 1 year
289	" " "	500.00	3-15-51 3 year renewal
219	" " "	138.24	3-15-51 3 year renewal

DEEDS FOR TRANSFER OF CEMETERY LOTS.

Councilman Albea moved that the Mayor and City Clerk be authorized to execute deeds for the transfer of the following cemetery lots. Motion was seconded by Councilman Aitken, and unanimously carried:

- (a) Deed with E. M. and Henrietta H. Wilkinson, for Lot 214, Section 3, Evergreen Cemetery at \$208.00.
- (b) Deed with A. W. Jordan, for Lot 153, in Section 4-A, Evergreen Cemetery, at \$81.90.
- (c) Deed with Z. A. Hovis & Son, for 4 grave spaces in Lot 57, Section U, Elmwood Cemetery, at \$1.00 for new deed.
- (d) Deed with Mrs. Clara Duncan, transferred from Z. A. Hovis and Son, for 2 grave spaces in Lot 57, Section U, Elmwood Cemetery, at \$1.00 for transfer.

FUNDS REQUESTED BY GOOD SAMARITAN HOSPITAL TO PREVENT CLOSING OF EMERGENCY CLINIC ON APRIL 3rd AS DIRECTED BY BOARD OF DIRECTORS.

Mayor Shaw advised that Mr. M. B. Pierson has advised him that the Board of Directors of the Good Samaritan Hospital has instructed the Hospital Administrator to close the Emergency Ward on April 3rd for lack of funds, and asked if the City would not immediately give them the \$10,000.00 appropriated to them in the City's current budget. As the funds were budgeted conditional to a ruling from the City Attorney as to its legality, Mayor Shaw asked the

Attorney if the appropriation could now be made.

Mr. John D. Shaw, City Attorney, advised that in his opinion the appropriation could not legally be made as it was requested by the Hospital for an operational deficit already incurred. He stated he had requested a ruling in the matter from the Attorney General several times since the City conditionally ear-marked the funds for the use of the hospital last July, and has not been able to obtain a written reply.

The City Attorney further advised he is of the opinion that the City can legally appropriate funds to the hospital to assist in the operation of its Emergency Clinic from April through June, and that the \$10,000.00 previously ear-marked might be transferred and used for this purpose if the Council so desired.

It was agreed that Mr. Yancey, City Manager, discuss the alternative possibility with the Chairman of the Board of County Commissioners to determine if the County is willing to make a similar appropriation on this basis.

ADJOURNMENT.

Upon motion of Councilman Coddington, seconded by Councilman Aitken, and unanimously carried, the meeting was adjourned.

Lillian R. Hoffman

City Clerk