

A regular meeting of the City Council was held in the Council Chamber, City Hall, on Wednesday, December 13, 1950, at 11 o'clock A.M., with Mayor Shaw presiding, and Councilmen Aitken, Albea, Boyd, Coddington, Daughtry, Jordan and Wilkinson present.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

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

ORDINANCE (NO. 125) AUTHORIZING THE CITY TRAFFIC ENGINEER TO INSTALL NO PARKING SIGNS ON STREETS OF CERTAIN WIDTHS. ADOPTED.

An ordinance entitled, "Ordinance (No. 125) Authorizing the City Traffic Engineer to Install No Parking Signs on Streets of Certain Widths" was introduced and read.

Mr. J. M. Scarborough, Attorney, advised he had been approached by a number of citizens and requested to come before Council and express their opposition to the ordinance in its present form. That the objection is based on the Council delegating such broad authority to an employee, and on the fact that the No Parking law will be imposed without prior notice to residents of the streets affected and without their having the privilege of expressing to the Council their views. Mr. Scarborough urged that notice of such proposed parking restrictions on any street be advertised and interested citizens be heard by Council prior to the law's enforcement, and that such restrictions be approved by the Council and not the Traffic Engineer.

Councilman Boyd moved the adoption of the following amendment to the ordinance:

"Provided that such street or streets shall first be approved by the City Council".

The motion did not receive a second. Mr. Boyd stated he did not think it democratic for the Council to vest discretionary authority in an individual; that the Council is elected by the citizens to decide such matters and should not deviate from the appurtenances of the office to which elected.

Councilman Coddington expressed the view that the Traffic Engineer was employed to unbundle the City and improve traffic conditions and has requested the authority to do so through this ordinance, and so long as the City Attorney states it is a legal procedure, then the ordinance should be adopted.

Councilman Aitken read portions of the City Code setting forth the duties and responsibilities of the Traffic Engineer with regard to the erection of traffic signs on streets of certain widths, following which Councilman Aitken stated that no new authority is being vested in the Traffic Engineer but the present law is merely being amended to provide that streets of a greater width be restricted as to parking; also, that citizens will have the same privilege as heretofore to file an appeal against the restriction.

Councilman Aitken moved the adoption of the Ordinance, which was seconded by Councilman Daughtry, and carried, with the votes cast as follows:

AYE: Councilmen Aitken, Albea, Coddington, Daughtry, Jordan and Wilkinson.

NAY: Councilman Boyd.

The ordinance is recorded in full in Ordinance Book 11, at Page 192.

ORDINANCE (NO. 126) AMENDING THE CITY CODE RELATIVE TO OBSTRUCTIONS ON SIDEWALKS, ADOPTED.

An ordinance entitled, "Ordinance (No. 126) Amending the City Code Relative to Obstructions on Sidewalks" was introduced and read. Councilman Aitken moved the adoption of the ordinance, which was seconded by Councilman Wilkinson.

Councilman Albea asked how the ordinance will affect persons stopping on the street to talk with friends.

Mayor Shaw stated the ordinance is not designed to affect anyone other than panhandlers, loafers and such like loitering on the streets, and to give the Chief of Police the authority to arrest them.

At the invitation of Mayor Shaw, Mr. Thomas Lane, Jr., City Solicitor, and Mr. Frank N. Littlejohn, Chief of Police, spoke in favor of the adoption of the ordinance and its importance in alleviating the existing bad conditions caused by the presence of panhandlers, vagrants, etc., on the streets of Charlotte. Mr. Lane stated it is difficult to define the word "loitering"; also, that under the existing laws it is difficult to convict a person on such charge.

Chief Littlejohn stated the large number of vagrants, bums, etc., on our streets is a menace to the citizens, and the proper legislation by the Council to support the Police in making arrests of such persons is necessary. He urged the adoption of the ordinance in order to provide a way to clear up existing conditions.

The vote was then taken on the motion for the adoption of the ordinance, and unanimously carried. The ordinance is recorded in full in Ordinance Book 11, at Page 193.

REPORT OF BOARD OF APPRAISERS OF BENEFITS AND DAMAGES TO PROPERTY ON HAWTHORNE LANE, AS A RESULT OF EXTENDING AND IMPROVING SAME, FILED WITH CITY CLERK.

The City Clerk reported that the Board of Appraisers, appointed by the City Council, filed on November 28th their Report of Benefits and/or Damages to property on Hawthorne Lane, between Central Avenue and Kennon Street, as a result of extending and improving said street.

NOTICE OF PUBLIC HEARING WITH RESPECT TO BENEFITS AND DAMAGES AS ASSESSED BY THE BOARD OF APPRAISERS FOR IMPROVEMENTS ON HAWTHORNE LANE.

Motion was made by Councilman Wilkinson, seconded by Councilman Aitken, and unanimously carried, authorizing the publication of the Notice of Public Hearing, on December 27th, with respect to benefits and damages, as assessed by the Board of Appraisers, for improvements on Hawthorne Lane between Central Avenue and Kennon Street.

PLAT OF E. G. HAYES PROPERTY APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Aitken, and unanimously carried, the Plat of E. G. Hayes Subdivision, was approved as recommended by the Planning Board.

PURCHASE OF RIGHTS-OF-WAY FOR WATER LINE AUTHORIZED.

Motion was made by Councilman Aitken, seconded by Councilman Wilkinson, and unanimously carried, authorizing the purchase of rights-of-way for the installation of 36-inch water lines from the following persons:

- (a) Four tracts of land in Charlotte Township from S. E. Messner, at a total price of \$2,350.00.
- (b) 30-ft. right-of-way in Charlotte Township from M. R. and F. O. Godley and wives, at a total price of \$1,250.00.

MORETZ AVENUE, FROM LUCENA ST. TO OLANDO ST. TAKEN OVER FOR LIMITED MAINTENANCE.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, Moretz Avenue, from Lucena Street to Olando Street was taken over for limited maintenance.

CONSTRUCTION OF SANITARY SEWER IN SPRATT STREET AUTHORIZED.

Councilman Aitken moved approval of the construction of 209-feet of 8-inch sanitary sewer in Spratt Street, at an estimated cost to the City of \$370.00, to serve one family unit and 6 vacant lots, as requested by Mr. Andrew Roby, 606 West Morehead Street, and that applicant's deposit of \$170.00 be refunded as per terms of the contract. Motion was seconded by Councilman Wilkinson, and unanimously carried.

CONTRACT WITH SOUTHERN RAILWAY COMPANY FOR RIGHT-OF-WAY FOR WATER MAIN UNDER TRACKS AT GRIFFITH STREET, AUTHORIZED.

Motion was made by Councilman Jordan, seconded by Councilman Albea, and unanimously carried, authorizing a contract with the Southern Railway Company for right-of-way for the installation of an 8-inch high pressure water main beneath their tracks at Griffith Street by the City.

CONTRACT WITH SEABOARD AIRLINE RAILROAD COMPANY FOR RIGHT-OF-WAY FOR WATER MAIN UNDER TRACKS AT PENNSYLVANIA AVENUE, AUTHORIZED.

Upon motion of Councilman Coddington, seconded by Councilman Aitken, and unanimously carried, a contract was authorized with the Seaboard Airline Railroad Company for right-of-way for the installation of a 6-inch high pressure water main by the City under the Company's tracks at Pennsylvania Avenue.

REFUND OF DEPOSIT FOR SANITARY SEWER CONSTRUCTION AUTHORIZED TO H. L. HALL.

Councilman Wilkinson moved that refund of \$622.60 be made to Mr. H. L. Hall, 1520 Providence Road, which was deposited by him for the construction of 360-feet of 8-inch sanitary sewer in Country Club Lane, which is in line with the terms of the contract dated June 20, 1949. Motion was seconded by Councilman Albea, and unanimously carried.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

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

- (a) Three 20-ft. driveways on Roswell Ave. at Myers Park Club.
- (b) One 8-ft. driveway on Maryland Avenue.
- (c) Two 30-ft. driveways at 120 West 3rd Street.

CONTRACT AWARDED R. J. TODD, CONTRACTOR, FOR CONSTRUCTION OF SANITARY SEWERS IN BROOKHILL VILLAGE.

Motion was made by Councilman Albea, seconded by Councilman Aitken, and unanimously carried, awarding contract to R. J. Todd, Contractor, for the construction of sanitary sewers in Brookhill Village, on a unit price basis, representing a total price of \$10,212.40.

TRANSFER OF CEMETERY LOT.

Upon motion of Councilman Albea, seconded by Councilman Wilkinson, and unanimously carried, the Mayor and City Clerk were authorized to execute a deed with Mrs. Bernice W. Hecklendorf for the transfer of the southwest quarter of Lot 164, in Section 3, Evergreen Cemetery, at a price of \$26.00.

SPECIAL OFFICER PERMITS.

Motion was made by Councilman Jordan, seconded by Councilman Coddington, and unanimously carried, authorizing the issuance of Special Officer Permits to the following persons:

- (a) Permit to John Brown Fincher, for use on the premises of Southern Railway Company, Liddell Street and the Yard.
- (b) Renewal permits for use on the premises of the Federal Reserve Bank to:

Ernest L. Kale
Charles O. White
Odus H. Turner
Milus Pruett
John E. Pettit
Wade H. Vause

Cleveland Townsend
James E. Porter
Cicero L. Ware
Charles O. Rhodes
Edgar H. Dellinger
John H. Miller

CLAIMS OF VIOLA HUEY AND ANNIE WHESTERN REFERRED TO CITY ATTORNEY.

Upon motion of Councilman Coddington, seconded by Councilman Jordan, and unanimously carried, the claim of Viola and Robert M. Huey for \$100.00 for alleged person^{al} injury to Viola Huey on December 6, 1949, and claim of Annie Whestern for \$73.00 for alleged injury on July 8, 1950, were referred to the City Attorney for handling.

PURCHASE OF TRACT OF LAND FROM M. W. GRASS FOR WATER WORKS PURPOSES.

Upon motion of Councilman Coddington, seconded by Councilman Albea, the unanimous consent of Council was given the Acting City Manager to present his recommendation that 19½-acre tract of land be purchased from Mr. M. W. Grass and wife, at a price of \$6,000.00, for water works purposes. Councilman Jordan moved that the land be purchased as recommended. Motion was seconded by Councilman Coddington, and unanimously carried.

APPOINTMENT OF MRS. GEORGE H. ROBERTS TO THE PLANNING BOARD.

Upon motion of Councilman Albea, seconded by Councilman Coddington, the unanimous consent of Council was given to Councilman Wilkinson to place in nomination Mrs. George H. Roberts as a member of the Planning Board to fill the vacancy created by the resignation of Mr. Brodie Griffith, for the unexpired term ending on June 30, 1951. Councilman Wilkinson moved the appointment of Mrs. Roberts, which was seconded by Councilman Jordan, and unanimously carried.

APPOINTMENT OF J. C. CHALMERS AS ALTERNATE MEMBER OF ZONING BOARD OF ADJUSTMENT.

Councilman Wilkinson nominated Mr. J. C. Chalmers as an Alternate member of the Zoning Board of Adjustment, to fill the unexpired term of Mr. John M. Dwelle ending on January 28, 1952.

Councilman Aitken moved the nomination of Mr. Johnny Whitton, which was seconded by Councilman Coddington. Councilman Aitken expressed the opinion that the Board should not have a majority of members who are in the real estate business but that the Board should be composed of members of varied classifications. Councilmen Coddington and Albea concurred in the opinion, stating their preference for the appointment of Mr. Whitton rather than Mr. Chalmers, a Realtor.

The vote was taken on the nomination of Mr. Chalmers and carried, with the votes cast as follows:

AYE: Councilmen Boyd, Daughtry, Jordan and Wilkinson.
NAY: Councilmen Aitken, Albea and Coddington.

INQUIRY RELATIVE TO SURPLUS FUNDS FOR SALARY INCREASE FOR CERTAIN EMPLOYEES
MADE BY COUNCILMAN BOYD.

Councilman Boyd inquired of the Acting City Manager if there was surplus funds for use as salary increases for certain employees, beginning in the lowest brackets, should the Council see fit to approve such increases. He was advised that it would be necessary to check into the matter and, also, to have knowledge of the approximate amount of the total increase. Councilman Boyd stated he believes the need of certain employees for additional salary to meet increased living expenses is serious.

PRESIDENT OF THE UNITED STATES CALLED UPON TO DECLARE A STATE OF NATIONAL
EMERGENCY.

Mayor Shaw stated he would like to see the government put into a state of national emergency; that the spiralling costs and threatened inflation must be curbed in order to save the country.

Councilman Boyd stated that in his opinion we are in the direst position in our history; that he would like to see the Council call on the President of the United States to declare a state of national emergency as suggested by Mayor Shaw. He stated further that it would be particularly fitting for such request to come from Charlotte - the birthplace of freedom.

Councilman Coddington moved that the Council unanimously consent to taking such action. The motion was seconded by Councilman Jordan, and unanimously carried.

The following telegram was prepared by Councilman Boyd, who moved that it be immediately sent to President Truman. The motion was seconded by Councilman Wilkinson, and unanimously carried:

"We, the Mayor and City Council of the City of Charlotte realizing the serious conditions confronting our nation do call upon you as our President to declare a state of National Emergency immediately".

ADJOURNMENT.

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

Lucian R. Saffman
City Clerk