

A regular meeting of the City Council was held in the Council Chamber, City Hall, on Wednesday, November 1, 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 Mr. Paul R. Ervin.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Aitken, and unanimously carried, the Minutes of the last meeting on October 25th were approved as submitted.

HEARING ON ORDINANCE (NO.122) TO AMEND THE ZONING ORDINANCE CONTINUED TO NOVEMBER 15th.

The scheduled hearing on an amendment to the Zoning Ordinance was opened by the reading of the Ordinance proposing to change from R-2 to Industrial zoning on two lots fronting 106 feet on Grandin Road, being 160.4 feet from the intersection of Grandin Road and West Morehead Street.

Mr. Paul Ervin, Attorney, representing the petitioner, Power Brake Company, 1506 West Morehead Street, stated the lots in question, being Lots #39 and #40, were purchased on March 20, 1945 solely for industrial purposes and the deed bears no restriction against such usage. That approximately half of Lot 39 is presently used by Power Brake Company for industrial purposes, as is a large portion of Lot 40, and the said Company wishes to erect an addition to their present business. That, in fact, the Company did not know that any part of the lots was so zoned as to restrict such usage and the construction was started. That upon being advised by the City that the said construction was not permitted, a petition was filed with the Zoning Board of Adjustment for rezoning of that portion of the two lots from R-2 to Industrial; that members of the Board viewed the site and recommended the rezoning to the City Council. He urged that the rezoning be approved by the Council to permit the expansion of the Power Brake Company's present building.

Mr. Charles Myers, Attorney representing Mr. and Mrs. C. H. Huffstetler, owners of Lot 41 adjacent to the property in question, presented a Petition containing the signatures of forty-three residents of adjacent, adjoining or nearby properties, protesting the requested change in zoning of the Lots or the modification of the present boundaries of the lots to permit its use for industrial purposes. The petition stated that such construction will constitute a depreciation in the value of the petitioners homes, and be a nuisance. Mr. Myers called attention that the petitioners constitute 20 percent of the adjoining property owners and that, therefore, under the provisions of the Zoning Ordinance a three-fourth vote of the entire Council will be required to effect the change. Mr. Myers also presented affidavits from Mr. C. H. Huffstetler, 728 Grandin Road, Mr. L. S. Alexander, 716 Grandin Road, Mr. Kenneth Kistler, 724 Grandin Road and Mr. A. P. Welch, 821 Walnut Avenue, in which it was stated that their residences were erected, or purchased, in what was represented as a strictly residential area and the rezoning of lots fronting Grandin Road will cause them irreparable damage.

At the invitation of Mr. Meyers, Mr. D. W. Holbrook, Realtor and former property owner and resident of Walnut Avenue, stated a depreciation in property valuations would definitely be realized if the zoning change is

permitted and the Power Brake Company's business expanded. He referred to the nuisance now realized from the operation of the present business such as the noise from riveting and compression pumps, odors from paint and oils, and traffic congestion from trucks being repaired. He expressed the opinion that the rezoning would be unfair and unjust to the property owners who had purchased residences in an area represented as strictly residential.

Councilman Jordan moved that the matter be continued until the Council Meeting on November 15th in order that the Council may visit the site and have sufficient time to consider the zoning change. Motion was seconded by Councilman Coddington, and unanimously carried.

CONSTRUCTION OF MODEL AIRPLANE FLYING FIELD AT MORRIS FIELD OPPOSED BY RESIDENTS.

The Reverend Tom Summery, Pastor of Morris Field Methodist Church, was spokesman for a delegation of residents of Morris Field who opposed the placing of a model airplane flying field at Morris Field. The City Manager advised that the matter had been postponed indefinitely and no action would be taken by Council today.

OPPORTUNITY TO PLACE FORMAL BID ON RESUSCITATOR REQUESTED BY WINCHESTER SURGICAL SUPPLY COMPANY.

Mr. Worth Helms, representing Winchester Surgical Supply Company, stated that at the request of Captain Morris of the Charlotte Fire Department, he submitted a tentative estimate on a resuscitator which the City proposed to purchase for the Fire Department. That the estimate was not considered by him, or his Company, as a formal bid and they expected to hear further from the City and be able to place a formal bid on the equipment. That nothing had been heard from the City and it was his understanding that the Council would today be requested to award a contract for the resuscitator to another firm. Mr. C. E. Beatty, Purchasing Agent, was present and stated that no formal bids were required or received on the resuscitator. That Mr. Helms came to his office and submitted prices; that later Mr. Jim Watts of the Winchester Surgical Supply Company phoned and asked if his price on the resuscitator was the low bid, and he was told that it was not, that a lower price had been submitted on the same Emerson equipment, in that a 50-foot hose extension for pole-top service had been included in the other bid at no cost, whereas it was charged for by Winchester Surgical Supply Company. That Mr. Watts stated this was a fair trade item and all prices should be the same, however, his Company would not complain if the other company saw fit to donate a part of the equipment.

Mr. Yancey, City Manager, stated that the transaction had been handled in the City's usual manner and was in perfect order and the award was recommended to the low bidder. He also stated that the purchase of two additional resuscitators is contemplated and that the Winchester Surgical Supply Company will definitely be given an opportunity to bid on these; however, that the lowest price will be recommended for award of contract.

MAYOR SHAW AND COUNCILMAN CODDINGTON LEAVE MEETING, AND MAYOR PRO TEM AITKEN PRESIDES FOR REMAINDER OF SESSION.

At this time Mayor Shaw and Councilman Coddington left the meeting and Mayor pro tem Aitken presided for the remainder of the session.

ORDINANCE REASSESSING PROPERTY OF CHARLES C. ERVIN AND WIFE ON PRINCETON AVE.

An ordinance entitled, "Re-Assessment Ordinance - Princeton Avenue", was introduced and read, and upon motion of Councilman Albea, seconded by Councilman Wilkinson, was unanimously adopted, reassessing the property of Charles C. Ervin and wife, Mary Frances Ervin, in the Princeton Avenue Improvement district and fronting on the south side of Princeton Avenue for a distance of 878.22 feet west from the center of Sugaw Creek. Ordinance is recorded in full in Ordinance Book 11, at Page 189.

LEASE OF HOSPITAL AND GROUNDS ADJACENT TO MEMORIAL HOSPITAL AND GARDEN TERRACE, TO CAROLINA SPASTICS ASSOCIATION.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, the hospital building and grounds adjacent to Memorial Hospital and Garden Terrace were leased to the Carolina Spastics Association for a period of 100 years, at \$1.00 per annum.

SALE OF TAX FORECLOSED PROPERTIES CONFIRMED.

Motion was made by Councilman Wilkinson, seconded by Councilman Daughtry, and unanimously carried, confirming the sale on October 2nd at public auction of the following tax foreclosed properties:

- (a) 717-719 Royal Court, to the high bidder Mr. Ernest Dixson, at \$300.00
- (b) Lots 9-14 in Block 47 of Spruce Street, to the high bidder Mr. L. J. Spiers, at \$2,800.00.

SUPPLEMENT APPROVED TO CONTRACT WITH THE STATE OF N.C. FOR AIRPORT BUILDINGS USED BY N.C. NATIONAL GUARD AIR FORCES.

Councilman Albea moved approval of a supplement to the Contract with the State of North Carolina to reduce the rental from \$700 to \$100 per month on the twenty-eight buildings at Douglas Municipal Airport used by the N. C. National Guard Air Forces, due to the decreased use of the facilities caused by the National Guard Air Forces now being in active military service. Motion was seconded by Councilman Wilkinson, and unanimously carried.

TRANSFER OF FUNDS FROM EMERGENCY FUND TO FIRE DEPARTMENT SALARIES ACCOUNT.

Upon motion of Councilman Daughtry, seconded by Councilman Wilkinson, and unanimously carried, the transfer of \$8,081.52 was authorized from the Emergency Fund, Code 110, to the Fire Department Salaries Account, Code 402-A-8, to cover increases in salaries of Captains and Deputy Fire Chiefs, as authorized after the current Budget was approved.

PLAT OF NEW LOCATION OF WIG STREET APPROVED.

Motion was made by Councilman Albea, seconded by Councilman Wilkinson, and unanimously carried, approving the plat of the new location of Wig Street in Willow Grove Heights, as recommended by the Planning Board.

LICENSE FROM NORFOLK-SOUTHERN RAILWAY COMPANY FOR UNDERGROUND INSTALLATION OF SANITARY SEWER IN EAST 16TH STREET AUTHORIZED EXECUTED.

Councilman Daughtry moved that the Mayor and City Clerk be authorized to execute a License with the Norfolk-Southern Railway Company to permit the City of Charlotte to lay and maintain a sanitary sewer under their tracks in East 16th Street to serve a new office building of the Highland Park Manufacturing Company. Motion was seconded by Councilman Jordan, and unanimously carried.

CONTRACT WITH SEABOARD AIRLINE RAILWAY COMPANY TO PERMIT CITY TO LAY SANITARY SEWER UNDER TRACKS IN HALSEY STREET AND ALONG ODUM AVENUE.

Councilman Albea moved that the Mayor and City Clerk be authorized to execute a contract with the Seaboard Airline Railroad Company to permit the City of Charlotte to lay and maintain a sanitary sewer main under their tracks in Halsey Street and along Odum Avenue. Motion was seconded by Councilman Jordan, and unanimously carried.

CONTRACT WITH THE STEPHENS COMPANY FOR CONSTRUCTION OF WATER MAINS IN MYERS PARK ABUTTING ON NORTON ROAD.

Motion was made by Councilman Wilkinson, seconded by Councilman Jordan, and unanimously carried, authorizing a contract with The Stephens Company for the construction of 870 feet of 2 inch water mains in Myers Park, at an estimated cost of \$850.00 to serve 13 residential lots abutting on Norton Road. The City to finance all costs and applicant to guarantee a gross annual water revenue equal to 10% of the total cost.

CONSTRUCTION OF NEW SANITARY SEWERS AUTHORIZED.

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

- (a) 142 feet of 8 inch sewer in East 16th Street at an estimated cost of \$460.00. All costs to be borne by the City.
- (b) 277 feet of 8 inch sewer in Lee Avenue, at an estimated cost of \$395.00. All costs to be borne by the City.
- (c) 861 feet of 8 inch sewer in Norton Road, at an estimated cost of \$1,380.00. All costs to be borne by the City and applicant's deposit of \$1,380.00 to be refunded as per the terms of the contract.
- (d) 262 feet of 8 inch sewer in Halsey Street, at an estimated cost of \$1,250.00. All costs to be borne by the City and applicant's deposit of \$96.00 to be refunded as per the terms of the contract.

CONTRACT AWARDED SOUTHERN OXYGEN COMPANY FOR ONE RESUSCITATOR.

Councilman Daughtry moved that contract be awarded Southern Oxygen Company, Inc., for One Emerson Resuscitator complete, at a total price of \$479.00, subject to 2%-10 days discount. Motion was seconded by Councilman Wilkinson, and carried, with the votes cast as follows:

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

CONTRACT AWARDED S. MORGAN SMITH COMPANY FOR CONE VALVE.

Upon motion of Councilman Jordan, seconded by Councilman Wilkinson, and unanimously carried, contract was awarded S. Morgan Smith Company for One 16-inch hydraulically operated Cone Valve, as specified, at a net delivered price of \$2,987.00.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

The construction of driveway entrances at the following locations was unanimously authorized upon motion of Councilman Daughtry and seconded by Councilman Wilkinson:

- (a) One 33-foot driveway at 127 West Morehead Street.
- (b) One 9-foot driveway in the 1800 block of Maryland Avenue.
- (c) One 9-foot driveway at Meadow Lane for 3745 Meyer Boulevard.
- (d) One 12½-foot driveway at 501 S. Alexander Street at 2nd Ward High School.
- (e) One 10-foot driveway at 2511 Portland Avenue.
- (f) One 12-foot driveway at 1573 Maryland Avenue.
- (g) One 11-foot driveway at 1608 Maryland Avenue.

TRANSFER OF CEMETERY DEEDS.

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

- (a) Deed to Mr. and Mrs. Leroy L. Page and Mr. and Mrs. Wm. H. Moon, for Lot 51 in Section 3, Evergreen Cemetery, at \$156.00.
- (b) Deed to Mr. J. N. Herron, for Perpetual Care on north part of Lot 29, in Section S, Elmwood Cemetery, at \$60.00.
- (c) Duplicate Deed to Mr. J. N. Herron, for north part of Lot 29 in Section S, Elmwood Cemetery, at \$1.00 for deed.

ADJOURNMENT IN MEMORY OF MR. ED. T. TONISSEN.

Councilman Jordan moved that the meeting be adjourned in honor of the memory of Mr. Ed. T. Tonissen, former Representative to the State Legislature from Mecklenburg County, who passed away today. Motion was seconded by Councilman Albea, and unanimously carried.

Levi R. Hoffman
City Clerk