

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Wednesday, December 12, 1951, 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 Dellinger, seconded by Councilman Jordan, and unanimously carried, the minutes of the last meeting were approved as submitted.

REQUEST FOR CONDEMNATION OF PROPERTY FOR RIGHT-OF-WAY TO OPEN OEHLER LANE REFERRED TO CITY MANAGER AND REAL ESTATE COMMITTEE.

Mr. Ben O. Horack, Attorney representing Erwin Construction Company appeared before Council and requested that the Council secure the necessary right-of-way for the opening of Oehler Lane between Harris Road and Brandon Circle through the property of Mayfair Homes, belonging to Mrs. W. E. Thomas. Mr. Horack stated that he had secured the signatures for dedicating sufficient additional property to make a 50 foot street from the other property owners concerned but that all efforts to deal with Mrs. Thomas through her agent, Mr. Spierman of Charlotte Realty Company, have failed in spite of Mr. Spierman's favorable recommendation. He advised that the Planning Board will not approve the construction of sewer and water lines in a street of less than 50 feet minimum width and the street must extend through from the connecting streets or a turn around be provided.

Mr. Yancey, City Manager, stated that since the City makes the street regulations he is of the opinion that the Council should go along with the Construction Company and assist them to secure the right-of-way by condemnation if necessary.

Councilman Boyd moved that the matter be referred to the City Manager and the Council Real Estate Committee for investigation and report. The motion was seconded by Councilman Coddington, and unanimously carried.

COUNCILMAN BOYD NOT PRESENT FOR REMAINDER OF SESSION.

Councilman Boyd left the meeting at this time and was not present for the remainder of the session.

REQUEST FOR ENFORCEMENT OF SMOKE ABATEMENT LAWS.

Mrs. R. T. Wray, 911 Elizabeth Avenue, registered a complaint relative to the smoke, fly-ash and general pollution of the air and urged that the Smoke Abatement Ordinance be enforced. She complimented Mr. J. E. Campbell, Smoke Abatement Engineer on his heroic efforts to eliminate smoke in Charlotte and enforce the provisions of the ordinance without the proper cooperation.

Mayor Shaw advised Mrs. Wray that every effort was being made to rid the City of the smoke menace and thanked her for her interest in the matter.

MAYOR AND COUNCILMAN BAXTER NOT PRESENT FOR REMAINDER OF SESSION.

Mayor Shaw and Councilman Baxter left the meeting at this time and were not present for the remainder of the session.

MAYOR PRO TEM PRESIDES.

Mayor pro tem Van Every presided over the meeting for the remainder of the session in the absence of Mayor Shaw.

PETITION FOR IMPROVEMENTS IN BROOKLYN AREA REFERRED TO CITY MANAGER FOR INVESTIGATION AND REPORT.

Mrs. F. J. McGill, President of Brooklyn Community Council, presented a petition bearing the signatures of forty-five members of the Council requesting that the following improvements be made in the Brooklyn area of the city:

1. Additional street light in the 500 block of South Crockett Street, between East First Street and South Independence Boulevard.
2. Street light in Macon Alley.
3. Traffic Police protection at South McDowell and Independence Boulevard to assist the Myers Street Elementary School Children.

Upon motion of Councilman Jordan, seconded by Councilman Dellinger and unanimously carried, the petition was referred to the City Manager for investigation and report.

PLANS AND SPECIFICATIONS FOR GATE HOUSE AT HOSKINS RESERVOIR NO. 1 ACCEPTED AND APPLICATION FOR APPROVAL BY STATE BOARD OF HEALTH AUTHORIZED FILED.

Councilman Coddington moved that the plans and specification for the Gate House at Hoskins Reservoir No. 1 be accepted, and the City Manager be authorized to execute a formal application to the State Board of Health for approval of said plans. The motion was seconded by Councilman Dellinger and unanimously carried.

SETTLEMENT OF CLAIM OF MRS. WILMA STEVENS FOR DAMAGES TO CAR.

Upon motion of Councilman Dellinger, seconded by Councilman Jordan, and unanimously carried, the claim of Mrs. Wilma Stevens in the amount of \$76.26 for damages to her car on November 19th by City Garbage Truck No. 700 was authorized settled in full, as recommended by the City Attorney.

CONSTRUCTION OF NEW SANITARY SEWERS.

Motion was made by Councilman Coddington, seconded by Councilman Dellinger and unanimously carried, authorizing the construction of new sanitary sewers at the following locations:

- (a) 89 feet of sewer crossing Irwin Creek on West Trade Street to replace pipe that has deteriorated, at an estimated cost of \$685.00, with all costs to be borne by the City.
- (b) 351 feet of trunk sewer in Chelsea Drive, at an estimated cost of \$2,020.00 to serve 5 family units, with all costs to be borne by the City.

CONTRACT AWARDED DEWEY BROS. COMPANY FOR MANHOLE RINGS AND COVERS.

Councilman Coddington moved that contract be awarded Dewey Bros. Company for 150 Manhole Rings and Covers, machined, as specified, on a unit price basis, at a total price of \$3,750.00, subject to cash discount of \$37.50. The motion was seconded by Councilman Dellinger, and unanimously carried.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

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

- (a) One 30 ft. entrance at 116 West Morehead Street.
- (b) One 8 ft. entrance at 726 Hempstead Place.
- (c) One 28 ft. entrance on West 8th Street for 501 N. Church St.

SPECIAL OFFICER PERMITS RENEWED FOR USE ON PREMISES OF FEDERAL RESERVE BANK.

Motion was made by Councilman Dellinger, seconded by Councilman Coddington, and unanimously carried, authorizing the renewal of Special Officer Permits for use on the premises of the Charlotte Branch, Federal Reserve Bank, to the following persons:

Ernest L. Kale	3611 Tuckaseegee Road
Charles O. White	1514 Euclid Avenue
Otis H. Turner	4018 Avalon Avenue
Milus Pruett	2029 Lyndhurst Avenue
John E. Pettit	207 Bradford Drive
Wade H. Vause	2405 Charlotte Drive
Cleveland Townsend	911 Westbrook Drive
James E. Porter	805 $\frac{1}{2}$ Brookside Avenue
Cicero L. Ware	North Belmont
John H. Miller	1500 Winston Drive
Oliver W. Parks	Route 1, Huntersville, NC
Edgar H. Dellinger	233 Tuckaseegee Road

HOLIDAY GRANTED CITY EMPLOYEES ON JANUARY 1, 1952.

Upon motion of Councilman Albea, seconded by Councilman Coddington, and unanimously carried, a holiday was granted to city employees on Tuesday, January 1st, in observance of New Year's Day.

FEES FOR RABIES INOCULATION INCREASED IN CONFORMITY WITH ACTION OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS.

Councilman Dellinger moved that in conformity with the action of the Board of Mecklenburg County Commissioners in increasing the fee for rabies inoculations from 75 cents to \$1.00, that the City increase its fee to a like amount. The motion was seconded by Councilman Coddington and unanimously carried.

SETTLEMENT OF CLAIM OF MR. AND MRS. H. E. SMITH FOR PERSONAL INJURIES AND DAMAGES TO CAR.

Councilman Dellinger moved that the claim of Mr. and Mrs. H. E. Smith for personal injuries and damages to their car on Hanover Street on October 27, 1949 be settled in the amount of \$650.00 as recommended by the City Attorney. The motion was seconded by Councilman Coddington, and unanimously carried.

PLAN FOR JOINT OPERATION OF ANIMAL SHELTER BY CITY AND COUNTY ADOPTED.

Upon motion of Councilman Jordan, seconded by Councilman Coddington, and unanimously carried, the following plan for the joint operation of the Animal Shelter by the City and County was unanimously approved, same having previously been approved by the Mecklenburg County Board of Commissioners:

PLAN FOR SHARING OF THE EXPENSES OF OPERATION
OF THE ANIMAL SHELTER ON SHUMAN AVENUE BY THE
CITY OF CHARLOTTE AND THE COUNTY OF MECKLENBURG.

1. The City of Charlotte shall pay all operating expenses of the Animal Shelter. Salaries and other expenses not solely a part of the operation of the Shelter shall not be included.

2. The City of Charlotte shall collect all revenue from the sale

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of all dogs and this revenue shall be turned over to the City Treasurer. Separate records shall be kept of the revenue from the sale of the County dogs, and of the City dogs.

3. The City of Charlotte shall keep a record of the number of County dogs kept at the Shelter, and the number of days that each dog is kept. One dog kept for one day or any portion thereof, shall be considered a one "dog-day".

4. The division of the costs of operating the Shelter shall be divided between the City and the County on the basis of the number of City "dog-days", and the number of County "dog-days" each month.

5. The portion of the operating costs charged against the County, shall be taken from the revenue received from the sale of the County dogs. Any money remaining from the sale of County dogs after paying the County's portion of the operating cost shall be paid to the County. If the County's portion of the operating costs is greater than the revenue received from the sale of County dogs, then the County shall pay the balance due to the City.

6. Capital expenditures for the Animal Shelter shall be divided between the City and the County at the end of the fiscal year on the basis of the total number of "dog-days" during that fiscal year.

DISCUSSION OF ENFORCEMENT OF SMOKE ABATEMENT PROGRAM.

Mayor pro tem Van Every stated that from the facts set forth in the recent newspaper articles relative to the smoke abatement program, it would seem to him that action should be taken to effect the enforcement of the existing laws; that management should be held liable and the laws enforced to the state of prosecution if necessary; that it is an educational process and by ten years the full effects of the enforcement of the existing laws should be felt.

Councilman Dellinger moved that action be deferred until all members of the Council are present.

Councilman Albea stated that he would vote in favor of the deferment of action on the question if a specific date for considering the matter is included in Councilman Dellinger's motion.

Following the discussion, Councilman Dellinger amended his motion to read "that action be deferred," which was seconded by Councilman Jordan, and the votes were cast as follows, and the motion lost because of the lack of the required majority vote:

AYE: Councilmen Dellinger and Jordan.

NAY: Councilmen Albea and Coddington.

ADJOURNMENT.

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

Lillian R. Hoffman
City Clerk