

A regular meeting of the City Council was held in the Council Chamber, City Hall, on Wednesday, January 24, 1951, 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 Wilkinson, seconded by Councilman Aitken, and unanimously carried, the minutes of the last meeting on January 17th were approved as submitted.

ORDINANCE (No. 128) GRANTING FRANCHISE TO PIEDMONT NATURAL GAS CORPORATION TO SELL AND DISTRIBUTE MANUFACTURED OR NATURAL GAS IN THE CITY OF CHARLOTTE AND TO USE THE PUBLIC WAYS IN THE CITY OF CHARLOTTE THEREFOR.

Mr. C. W. Tillett, representing Piedmont Natural Gas Corporation stated that on January 8, 1951 the Federal Power Commission granted to the Piedmont Natural Gas Corporation authority to receive natural gas and transport it to their gas distribution systems in certain cities including Charlotte. He requested the Council to grant the Piedmont Natural Gas Corporation a franchise to sell, manufacture and distribute gas in the City of Charlotte. He stated that the proposed franchise has been examined by the City Attorney and approved as to form by him.

The ordinance entitled, "Ordinance (No. 128) Granting a Franchise to Piedmont Natural Gas Corporation to Sell and Distribute Manufactured or Natural Gas in the City of Charlotte and to Use the Public Ways in the City of Charlotte Therefor" was introduced and read.

Councilman Boyd asked if there would be any interruption in the gas service to the citizens of Charlotte between the transfer of the Duke Power Company's franchise for artificial gas to that of Piedmont Natural Gas Corporation franchise, to which Mr. Conyers, President of the Piedmont Corporation, replied there would be no more than an hour's interruption in service when the transfer is made. Mr. Conyers also stated that the cost of conversion will be borne entirely by the said Corporation.

Objections were voiced by Councilman Boyd to the language of the ordinance whereby the rights to fix the rates for gas service is vested in the State Utilities Commission. He stated it was his opinion that the Council should retain control of this privilege. It was pointed out by Mr. Tillett that the City has the right to intervene in the matter of all public utility rates, and, in his opinion, the rate experts with the State Utilities Commission are better equipped to handle such intricate details; however, the Piedmont Corporation had no objection to striking out from the ordinance that clause relative to the State Utilities Commission fixing the said rates if the Council so desires, and leave the authority for fixing rates to the body or bodies so designated under the State laws. This was satisfactory to the Council and was so done.

Councilman Aitken then moved the passage of the Ordinance, which was seconded by Councilman Jordan, and unanimously carried, and the ordinance granting the franchise to the Piedmont Natural Gas Corporation passed on its first reading. The Ordinance is recorded in full in Ordinance Book 11, at Pages 196-199.

LEASE OF LOTS 7, 8 and 9 IN BLOCK 2 OF SHUMAN AVENUE TO MECKLENBURG PRESBYTERY FOR TEN YEAR PERIOD.

Mr. John James, Attorney, stated that the Mecklenburg Presbytery desires to acquire Lots 7, 8 and 9 in Block 2 of Shuman Avenue, owned by the City, for the erection of a church structure for the use of colored citizens. He requested that the City sell the lots at public auction subject to appropriate restrictions for church uses, or lease the lots to the Presbytery for a term of 10 or more years and offer the lots for sale at the end of that period, subject to the lease.

In the discussion the City Attorney stated the property could be leased to them for as long as 10 years, but he would want to check into the question of the sale with the restrictions. Also, Mr. Yancey, City Manager asked if the Presbytery would be willing to start the bidding at \$300.00, to which Mr. James replied that they would.

Councilman Jordan moved the unanimous consent of Council to consider the matter, which was seconded by Councilman Coddington, and unanimously carried.

Councilman Wilkinson then moved that the lots be leased to the Mecklenburg Presbytery for a period of 10 years at \$1.00 and other considerations, for church purposes. Motion was seconded by Councilman Coddington, and unanimously carried.

CARE OF NEGRO CONTAGIOUS DISEASE CASES REQUESTED BY DR. E. L. RAND AND DELEGATION OF CITIZENS.

Dr. E. L. Rand was spokesman for a delegation of Negro citizens, who stated they represented the Pan Hellenic Council of a group of organizations interested in the care of communicable disease cases among the colored race, since it is understood that the Contagious Disease Unit at Memorial Hospital, for which the City appropriated \$100,000 will not care for the cases among the negro race. He further inquired if the Council allocates funds for the benefit of a given group of citizens to the exclusion of other groups?

Mayor Shaw stated the Council could not answer the request without investigation as Memorial Hospital is administered by a group other than the City Council; however the matter would be investigated at once.

Mr. Yancey, City Manager, advised that the group of citizens who appeared before Council requested that the appropriation be made for a Contagious Disease Unit at Memorial Hospital and the Council only did what was requested; that if the Council had taken action that only one group of persons could use the facility, it would have been illegal and no such action was taken; that, further, if Dr. Rand wished to request an appropriation for a similar purpose the Council would, no doubt, give it consideration.

Mayor Shaw asked if Dr. Rand did not think it would probably be desired by his group that a Unit be established at Good Samaritan Hospital, and Dr. Rand stated he did think so.

Mr. Kelly Alexander stated he thought the Council had an obligation to the negro race and that it is important to them that the Council has appropriated funds for the exclusive use of only one group of citizens as they have been definitely advised by Memorial Hospital Authorities that the colored people cannot be cared for at the Contagious Disease Unit.

Mayor Shaw advised that the Council is interested in the welfare of all Charlotte citizens and in providing for their needed care; that he, personally, would discuss the matter and see what can be done.

TRANSFER OF FUNDS FROM EMERGENCY FUND TO CITY MANAGER AND CITY CLERK CAPITAL OUTLAY ACCOUNTS APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, the transfer of \$200.00 from the Emergency Fund (Code 110) to the City Manager's Capital Outlay Account (Code 1102 G-14) and of \$70.00 to the City Clerk's Capital Outlay Account (Code 1504 G-14) for the purchase of office equipment, was authorized.

PAYMENT OF CLAIM OF RUSSELL P. SCHRINER FOR DAMAGES TO CAR.

Motion was made by Councilman Daughtry, seconded by Councilman Wilkinson, and unanimously carried, authorizing the payment of claim in the amount of \$25.40 to Mr. Russell P. Schriener for damages to his car by City Vehicle No. 426 while engaged in installing a traffic signal.

CONSTRUCTION OF NEW SANITARY SEWERS AUTHORIZED.

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

- (a) 175 feet of 8 inch sewer in Mulberry Street, at an estimated cost of \$4000.00, to serve one family unit and one vacant lot, at request of Mr. Theodore G. Stewart. All costs to be borne by the City and applicant's deposit of \$200.00 to be refunded in accordance with the terms of the contract.
- (b) 320 feet of sewer in North Tryon Street, at an estimated cost of \$770.00, to serve 2 family units and 2 vacant lots, at request of American Oil Company. All costs to be borne by the City and applicant's deposit of \$370.00 to be refunded as per the terms of the contract.

JAY STREET, FROM TUCKASEEGEE ROAD TO THRIFT ROAD, TAKEN OVER FOR MAINTENANCE.

Councilman Jordan moved that Jay Street, from Tuckaseege Road to Thrift Road, be taken over for maintenance. Motion was seconded by Councilman Aitken, and unanimously carried.

REMOVAL OF TREE FROM PLANTING STRIP AT 1613 WEST TRADE STREET APPROVED.

Motion was made by Councilman Wilkinson, seconded by Councilman Aitken, and unanimously carried, authorizing the removal of three trees from the planting strip at 1613 West Trade Street, at request of Mr. J. C. Wine.

CONTRACT SUPPLEMENT AUTHORIZED WITH BLYTHE BROS. COMPANY FOR ADDITIONAL WORK IN RESURFACING RUNWAY AND TAXIWAY AT DOUGLAS MUNICIPAL AIRPORT.

Upon motion of Councilman Albea, seconded by Councilman Aitken, and unanimously carried, Supplemental Contract was authorized with Blythe Bros. Company for additional work in the resurfacing of runway and taxiway at Douglas Municipal Airport, on a unit price basis in accordance with the original contract, dated September 13, 1950, representing a supplemental contract price of \$20,641.83.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

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

- (a) Three 30-ft. driveways at 1613 West Trade Street.
- (b) Three 30-ft. driveways at intersection of Rossell's Ferry Road and Hilton Street.
- (c) Two 30-ft. driveways at 923 East 7th Street.
- (d) One 21-ft. driveway at 421 South College Street.

LEASE OF AIRPORT BUILDINGS.

The City Manager reported that leases have been concluded on the following buildings at Douglas Municipal Airport:

BUILDING NO.	LESSEE	MONTHLY RENTAL	DATE AND TERM OF LEASE
61	Morris Field Soda Shop	\$28.84	12-1-50 1 year renewal
250	Pure Oil Company	\$30.00	12-1-50 1 year renewal
64	Cotton Mill Machinery Co.	\$40.00	6-1-50 month to month

CEMETERY LOT TRANSFERRED.

Upon motion of Councilman Coddington, seconded by Councilman Albea, and unanimously carried, the Mayor and City Clerk were authorized to execute a deed with Mrs. Anna Marie Dickerson for the transfer of Evergreen Cemetery Lot No. east-half of 137, in Section 3, at a price of \$52.00.

REAPPOINTMENT OF FRED MCPHAIL TO ZONING BOARD OF ADJUSTMENT.

Councilman Aitken moved the reappointment of Mr. Fred McPhail as a member of the Zoning Board of Adjustment for a period of three years from the expiration of his present term on January 28th. Motion was seconded by Councilman Jordan, and unanimously carried.

MAYOR AND CITY MANAGER REQUESTED TO CONFER WITH MEDICAL BOARD AND MEMORIAL HOSPITAL AUTHORITIES RELATIVE TO CARE OF NEGRO COMMUNICABLE DISEASE CASES.

Councilman Boyd stated he thought some provision should be made for the care of contagious disease cases of colored citizens as well as those among the white race.

Upon motion of Councilman Coddington, seconded by Councilman Albea, the unanimous consent of Council was given for consideration of the matter.

Whereupon, Councilman Boyd moved that the Mayor and City Manager be requested to confer with the Medical Board and the Memorial Hospital Authorities to see if some way cannot be found to take care of the communicable disease cases among the colored race. Motion was seconded by Councilman Jordan, and unanimously carried.

CITY ATTORNEY DIRECTED TO DRAFT BILL FOR LEGISLATIVE ENACTMENT TO AUTHORIZE PAYMENT OF APPROPRIATION OF \$10,000 TO GOOD SAMARITAN HOSPITAL.

been asked
Councilman Boyd stated he had by the Chairman of the Good Samaritan Hospital Board why the appropriation of \$10,000.00 made to the Hospital by the Council last July cannot be paid. It was explained by the City Attorney that the request for the appropriation was made by the Hospital Officials to pay a deficit incurred by the Hospital, and was appropriated by the Council subject to the City Attorney's approval as to the legality of an appropriation being made for such purpose. That he took the matter up with the Attorney General, and later sent a tracer, and has not as yet received an answer.

Mr. Yancy, City Manager, asked if the Council would be interested in requesting the State Legislature now in session to pass a special act validating the action of the City in appropriating the \$10,000, and also the County in making a like appropriation, and authorizing payment. The Council concurred in the suggestion and the City Attorney was directed to draw the bill.

ADJOURNMENT.

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

Lillian R. Hays
City Clerk