

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Wednesday, October 17, 1951, at 4 o'clock p.m., with Mayor Shaw presiding, with 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 Van Every, seconded by Councilman Dellinger, and unanimously carried, the minutes of the last meeting were approved as submitted.

SCREEN STAR RANDOLPH SCOTT GIVEN CITATION BY MAYOR SHAW.

Mayor Shaw welcomed Mr. Randolph Scott, native Charlottean and distinguished Screen Star, and presented him a citation on behalf of the residents of Charlotte. Mr. Scott expressed his pleasure at again visiting his home town, and commented on the inspiring growth and development of Charlotte, and lauded the Mayor and Council for their guidance and splendid services to the City.

HEARING ON ORDINANCE TO AMEND THE ZONING ORDINANCE TO REZONE LOT 16 IN BLOCK 3 OF SHUMAN AVENUE CONTINUED ONE WEEK.

The scheduled hearing was held on the proposed amendment to the Zoning Ordinance to change the Building Zone Map from R-2 to B-1 on Lot 16 in Block 3 of Shuman Avenue, recommended by the Planning Board upon the petition of Mr. Warren Porter, owner of the property in question. Mr. Yancey, City Manager, presented a letter from the First Advent Christian Church expressing opposition to the rezoning to permit the erection of a mercantile business on the said lot. Mr. Warren Porter appeared before Council and advised that there were several business establishments, including a store handling the sale of beer, within the block, and he desires to operate a grocery store on the said lot, which is located 150 feet or more from the Church.

Following the discussion, Councilman Coddington moved that the hearing be continued until the next meeting and the Council's Real Estate Committee investigate the matter and submit their recommendation. The motion was seconded by Councilman Jordan, and unanimously carried.

RESOLUTION PROVIDING FOR EXTENSION OF CITY'S SEWER SYSTEM NEAR SUGAW CREEK DISPOSAL PLANT ADOPTED, AND APPRAISAL OF PROPERTY BY CHARLOTTE REAL ESTATE BOARD AUTHORIZED.

The hearing was held in connection with the condemnation of approximately 11.16 acres of land owned by Lyda Reid Cochran and husband, N. S. Cochran, and Nancy A. Bernard and husband Arthur C. Bernard, for the extension of the City's sewer system near Sugaw Creek Disposal Plant. Mr. John D. Shaw, City Attorney, stated that the Attorneys for the property owners have advised they will accept a price of \$500.00 per acre in lieu of the \$200 offered by the City. Mr. John A. McRae, Attorney for Mr. and Mrs. Cochran advised they object to the extension of the sewer system over their property and protest the City's acquisition of their land, however, in the interest of civil cooperation they will accept \$500.00 per acre. Mr. Arthur C. Bernard, Attorney, representing his wife Mrs. Nancy A. Bernard and himself, advised they definitely do not wish to sell their land for this purpose; that the land is valuable and the amount offered by the City is not acceptable under any condition; that the City owns sufficient acreage within the vicinity for the extension and for future development; that they will, however, accept a price

of \$500.00 per acre, along with the other Reid heirs to avoid litigation. If, however, the price is not accepted by the City and the property is condemned and the matter taken to Court they will fight it on through the United States Supreme Court on the grounds that the City does not need the land for the stated purpose, that the owners do not wish to sell and that the City has no right to determine conclusively that this is a necessary proposition.

Mayor Shaw stated that since the owners, through their attorneys, expressed their opposition to the extension of the sewer system on October 3rd, he has discussed the matter with the engineers who advise it is their considered opinion that the location selected is the best suited for the disposal plant and extension of the system. Mr. Yancey, City Manager, advised that plans for the enlargement of the disposal plant have been discussed for over five years and the location determined to be the logical and practical one and the City is now ready to acquire the lands.

The City Attorney suggested that the resolution providing for the extension by condemnation, if necessary, should be adopted in order not to delay matters, and that if a settlement can be reached the matter need not go to Court. The resolution entitled, "Resolution Providing for the Extension of the City's Sewer System near Sugaw Creek Disposal Plant" was introduced and read, and upon motion of Councilman Jordan, seconded by Councilman Coddington, was unanimously adopted. The resolution is recorded in full in Resolutions Book 1, at Page 434.

Councilman Coddington then moved that the Charlotte Real Estate Board be requested to make an appraisal of the property for the City. The motion was seconded by Councilman Albea, and unanimously carried.

RESOLUTION ORDERING THE CLOSING OF A PORTION OF OLD ATANDO AVENUE.

The hearing in connection with the closing of a portion of Old Atando Avenue was held as scheduled. A resolution entitled, "Resolution Ordering the Closing of a Portion of Old Atando Avenue" was introduced and read, and upon motion of Councilman Boyd, seconded by Councilman Coddington, was unanimously adopted. The resolution is recorded in full in Resolution Book 1, at Page 435.

BIDS ON STATION WAGON FOR CHARLOTTE LIFE SAVINGS & FIRST AID CREW REJECTED.

Mr. Wiley Crouse of the Charlotte Life Savings & First Aid Crew requested that a Pontiac station wagon be purchased for their use instead of a Plymouth as is being recommended by the City Manager and Purchasing Agent. He stated further that the Pontiac has the desired horse-power that they require. Councilman Jordan moved that the Pontiac stationwagon be purchased as requested in order that their needs be supplied. The motion was seconded by Councilman Van Every. At the request of the Mayor, Mr. C. E. Beatty, Purchasing Agent, advised that a guaranteed price was not submitted on the Pontiac, and as bids were requested on a Pontiac standard or equal that the low bid of Atkinson Motors, Inc., on a Plymouth 6 cylinder, 97 H.P. Suburban, which is a firm bid, is recommended accepted. The City Attorney ruled that the bid on the Pontiac car, subject to price increase before delivery, cannot be accepted. Mr. Yancey, City Manager, recommended that all bids be rejected and that the matter again be brought up when the car desired by Mr. Crouse is available at a firm bid. Councilman Baxter moved that the bids be rejected as recommended, which was seconded by Councilman Dellinger, and unanimously carried.

CITY ATTORNEY DIRECTED TO DRAFT RESOLUTION REQUESTING DUKE POWER COMPANY TO FURNISH BUS TRANSPORTATION VIA PROVIDENCE ROAD AREA TO MYERS PARK HIGH SCHOOL.

Mrs. E. McA. Currie served as spokesman for a delegation again appearing in the interest of the petition filed on September 12th for bus service via Providence Road for the benefit of children attending the Myers Park High School. She reviewed the reasons given by Duke Power Company at the conference with the Mayor and City Manager as to why the inauguration of such bus route would not be practical. She urged that the Council have Duke Power Company reroute one of the four special busses now serving the Eastover area via the Providence Road route to accommodate 117 children attending the school.

She advised further that the distance of the newly established route via East-over from its origin at Crescent Avenue and Durham Place to the School is 4 miles, whereas the distance of the requested route via Providence Road is 4.07 miles, which difference could not contribute to any loss to Duke Power Company.

Mayor Shaw advised that Mr. Forney of Duke Power Company replied to the City's request that he and Mr. Vandiver be present at today's meeting, that Mr. Vandiver is on vacation. The Mayor stated further that in view of Duke Power Company officials having advised that the Company is losing money on their bus operations, he does not think it fair to insist that the requested route be inaugurated. Councilman Van Every stated he thinks the Duke Power Company should be heard on the question before Council action is taken, and he believes they will be present at next week's meeting; if not, then he will favor proceeding with the request for the service via Providence Road.

Councilman Baxter moved that the Council comply with the request of the delegation that the service be furnished and the City Attorney be requested to draw up the proper resolution to be presented at the next meeting. The motion was seconded by Councilman Coddington.

Councilman Van Every offered a substitute motion that the matter be deferred and Duke Power Company officials be invited to be present at next week's meeting and be heard. The motion did not receive a second, and was lost.

The vote was then taken on the main motion by Councilman Baxter, and carried, with the votes cast as follows:

AYE: Councilmen Albea, Baxter, Boyd, Coddington, Dellinger and Jordan.
NAY: Councilman Van Every.

INSTALLATION OF TRAFFIC LIGHT AT INDEPENDENCE BOULEVARD AND ALEXANDER STREET AUTHORIZED.

Mr. J. E. Grigsby, Principal of Second Ward High School and the Student Council were present and requested the installation of a traffic signal light at Independence Boulevard and Alexander Street for the protection of the 1300 children attending the school. Mayor Shaw expressed the opinion that a light at this location will slow up traffic on the Boulevard, and that the children should use the underpass one block beyond the school. Councilmen Van Every and Jordan suggested that since the Council has already authorized the expenditure of \$6,000.00 for the employment of twenty-five persons to assist children in crossing streets at various schools, that it should be given a trial and if not found sufficiently effective at this location then the matter of erecting the traffic signal could be considered. Councilman Boyd moved that the City Manager be authorized to have the traffic signal erected at Independence Boulevard and Alexander Street as requested. The motion was seconded by Councilman Baxter, and carried, with the votes cast as follows:

AYE: Councilmen Albea, Baxter, Boyd, Coddington and Dellinger.
NAY: Councilmen Jordan and Van Every.

ORDINANCE AMENDING CHAPTER 7, ARTICLE XV, SECTION 140, OF THE CITY CODE..

Mr. Carol Taliferro, Attorney, representing Mr. Vernon D. Patterson, requested the adoption of an ordinance amending the City Code to permit Mr. Patterson to erect two single family residences on two lots at the rear of a lot fronting on Churchill Road in Wendover Hills section. He advised that the two lots are located on a 25 foot driveway and the City Code presently stipulates that such driveways must be at least 30 feet in width. Following the discussion, an Ordinance to Amend Chapter 7, Article XV, Section 140 of the City Code was introduced and read. Councilman Van Every moved the adoption of the ordinance, which was seconded by Councilman Coddington, and unanimously carried. The ordinance is recorded in full in Ordinance Book 11, at Page 218.

CONSIDERATION OF ORDINANCE TO AMEND THE TAXICAB ORDINANCE DEFERRED FOR TWO WEEKS.

Councilman Boyd stated that he would not present the ordinance to amend the taxicab ordinance as contemplated but would defer it until next week's meeting. Councilman Van Every moved that the ordinance be considered today, which was seconded by Councilman Coddington, and did not carry, with the votes cast as follows:

AYE: Councilmen Coddington and Van Every.

NAY: Councilmen Albea, Baxter, Boyd, Dellinger and Jordan.

Mayor Shaw advised that he would be out of the City next week and suggested that the ordinance be presented at the meeting on October 31st, which was acceptable to Councilman Boyd.

TRANSFER OF FUNDS FROM EMERGENCY FUND TO GOOD SAMARITAN HOSPITAL EMERGENCY CLINIC.

Upon motion of Councilman Dellinger, seconded by Councilman Jordan and unanimously carried, \$4,000.00 was authorized transferred from the Emergency Fund (Code 110) to Donations & Charities Account (Code 107) Good Samaritan Hospital Emergency Clinic.

REVISED PLAT OF EASTWOOD PARK SUBDIVISION APPROVED.

Councilman Van Every moved approval of the Revised Plat of Eastwood Park Subdivision, as recommended by the Planning Board. The motion was seconded by Councilman Jordan, and unanimously carried.

PURCHASE OF SANITARY SEWER MAINS IN WEST GRIFFITH STREET FROM CHARLOTTE LUMBER AND MANUFACTURING COMPANY.

Councilman Dellinger moved that 597 feet of sanitary sewer mains in West Griffith Street be purchased from Charlotte Lumber and Manufacturing Company at a price of \$1,210.00, subject to approval of deed or bill-of-sale by the City Attorney. The motion was seconded by Councilman Jordan, and unanimously carried.

CONSTRUCTION OF NEW SANITARY SEWER MAINS APPROVED.

Upon motion of Councilman Coddington, seconded by Councilman Van Every, and unanimously carried, the construction of new sanitary sewer mains and trunk sewer was authorized at the following locations:

(a) 2,128 feet of sewer mains and trunk sewer in Eastwood Park, at an estimated cost of \$5,415.00, to serve 2 family units and 41 vacant lots. All costs to be borne by the City and applicant's deposit of \$4,615.00 to be refunded as per terms of the contract.

(b) 393 feet of sewer main extension in Gesco Street, at an estimated cost of \$790.00, to serve 9 business units and 2 vacant lots. All costs to be borne by the City.

(c) 130 feet of sewer main in alley at rear of Liberty Life Building, at an estimated cost of \$780.00, to serve the 4 adjacent business units. All costs to be borne by the City.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

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

(a) One 8 ft. entrance at 3528 Draper Avenue.

(b) One 18 ft. entrance at 677 Colville Road.

(c) One 12 ft. entrance on Independence Boulevard at Briar Creek Road.

CONTRACTS AWARDED IN CONNECTION WITH ADDITIONS AND ALTERATIONS TO THE CITY GARAGE.

Upon motion of Councilman Van Every, seconded by Councilman Albea, and unanimously carried, contracts were awarded as follows:

(a) Contract with Boyd & Goforth, Inc., for general work in connection with the Shower and Toilet Room addition and alterations to the City Garage, for the lump sum price of \$10,451.00, and any additional work on the unit price basis, as follows:

Earth excavation	\$2.00 per cubic yard
Rock excavation	\$15.00 per cubic yard
Masonry below grade	\$1.51 per cubic yard
Masonry above grade	\$2.00 per cubic yard

(b) Contract with W. H. Hobbs, Inc., for all Plumbing Work in connection with the Shower and Toilet Room Addition and Alterations for the City Garage, for the lump sum price of \$3,375.00.

SPECIAL OFFICER PERMIT AUTHORIZED ISSUED.

Councilman Albea moved that a Special Officer Permit be issued to Bob Hicks, Route #1, for use on the premises of Queens College. The motion was seconded by Councilman Van Every, and unanimously carried.

SALE OF CEMETERY LOTS.

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

- (a) Deed to Mrs. Nellie Cox Beane, for Lot 89, in Section 2, Evergreen Cemetery, at \$104.00.
- (b) Deed to L. L. Henderson, for Lot 108, in Section 2, Evergreen Cemetery, at \$104.00.
- (c) Deed to Joseph W. Sellers, for Lot 233, in Section 3, Evergreen Cemetery, at \$156.00.
- (d) Deed to Mrs. Chloe H. Spears, for southeast quarter of Lot 129, in Section 3, Evergreen Cemetery, at \$26.00.

MAYOR AUTHORIZED TO JOIN IN PETITION OF SHARON TOWNSHIP PROPERTY OWNERS TO STATE HIGHWAY COMMISSION TO IMPROVE ROAD LEADING BY SUGAW CREEK DISPOSAL PLANT.

Councilman Albea moved that the Mayor be authorized to join with the property owners of Sharon Township in petitioning the State Highway and Public Works Commission to improve the road leading by the Sugaw Creek Disposal Plant, as requested by the said property owners. The motion was seconded by Councilman Van Every, and unanimously carried.

CONTRACT WITH PIEDMONT & NORTHERN RAILWAY COMPANY FOR CONSTRUCTION OF SANITARY SEWER TRUNK LINE UNDER TRACKS IN LAKEWOOD SECTION.

Upon motion of Councilman Albea, seconded by Councilman Van Every, and unanimously carried, a contract was authorized with the Piedmont and Northern Railway Company for the construction by the City of a 10 inch sanitary sewer trunk line under the Railway's tracks in the Lakewood section.

RESOLUTION PROVIDING FOR THE ISSUANCE OF \$100,000 AUDITORIUM BOND ANTICIPATION NOTES.

A resolution entitled, "Resolution Providing for the issuance of \$100,000 Auditorium Bond Anticipation Notes" was introduced by Councilman Jordan, and read, and upon motion of Councilman Jordan, seconded by Councilman Van Every, was unanimously adopted. The resolution is recorded in full in Resolutions Book 1, at Pages 436-439.

ADJOURNMENT.

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

Lillian R. Hoffman
City Clerk