

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Wednesday, August 20, 1952, at 4 o'clock p.m., with Mayor Shaw presiding, and Councilmen Albea, Baxter, Boyd, Coddington, Dellinger and Van Every present.

Absent: Councilman Jordan.

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Dellinger, seconded by Councilman Van Every, and unanimously carried, the minutes of the last meeting on August 6th were approved as submitted.

ACTION DEFERRED ON REQUEST FOR 30-FOOT OPENING IN PLANTING STRIP IN 1300 BLOCK OF THE PLAZA.

Mr. H. I. McDougle, Attorney representing the petitioners requesting permission to construct a 30-foot driveway through the center planting strip in the 1300 block of The Plaza opposite Dixie Home Store, advised that he was this morning retained by the petitioners and in order that he might have time to make a detailed study of the matter with the view of a probable change in the petition, he was requesting that action by the Council be deferred until the next Council Meeting.

Councilman Boyd stated that in view of the fact that a similar request to construct the driveway was made and denied some two years ago and those opposing the driveway were told that should the question again arise they would be given an opportunity to be heard if they desired, and in view of the fact that when the petition was presented two weeks ago he requested its deferment until today so that interested persons might be present, and as a delegation is present he would like them to be heard if they wish.

Councilman Coddington stated that in his opinion arguments for and against the petition should be heard on the same day, and he moved that the matter be deferred until the next Council Meeting two weeks from today. The motion was seconded by Councilman Van Every.

Mr. Nat White stated that he opposed the petition and wishes to be heard today; that it would be unfair to ask the group to take time from their jobs to again appear before Council on the matter.

The vote was then taken on the motion, which was lost, with the votes cast as follows:

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

Councilman Boyd asked to be recorded as not voting.

At the request of Mayor Shaw for a ruling as to the result of the voting, Mr. John D. Shaw, City Attorney, stated that the motion carried; that as he understood the law, Councilmen present and not voting are considered as favoring the motion.

Councilman Boyd questioned the ruling, stating that the City Charter contains no such provision but provides that four affirmative votes are required for the passage of a motion, and in case of a tie vote the Mayor can untie the vote; whereas, there are six members present today and only three members voted in favor of the motion. He asked that the group opposing the petition be heard. The City Attorney replied that his ruling is based on McQuillan's law on municipal corporations.

Mayor Shaw stated that if Councilman Boyd opposed the motion, then he should not put him in the position of not voting off the tie-vote, and, in fact, he had intended voting to hear the delegation today.

Mr. McDougle stated he was of the opinion that the City Attorney acts as parliamentarian to the Council; that he was asked for a ruling and has ruled that the motion carried, and, in his opinion, the Chair should not rule against the parliamentarian. However, his request is that a decision not be made in the matter but be deferred until the next Council Meeting in order that he might be prepared to properly represent his clients. He then asked if the ruling of the Council is that he and his clients may be heard at the next Council Meeting. Mayor Shaw assured him that they will be heard at that time.

Councilmen Boyd, Baxter, Albea and Dellinger asked that anyone wishing to do so be heard today.

Mr. Nat White spoke in opposition to the construction of the driveway, and presented a petition bearing the signatures of one hundred and one residents of The Plaza opposing the driveway. Mr. White stated that the driveway will mar the beauty of the planting strip that runs the full length of The Plaza; that it will be a traffic hazard and impede traffic at the intersection of The Plaza and Central Avenue. He stated further that the Dixie Home Store would not gain by insisting on the construction of the driveway as the residents opposing the move will no longer trade there.

Miss Etta Pittman expressed the opinion that the driveway will be a very serious hazard to traffic, to residents cars parked adjacent to it and the sidewalk, to school children, and that it will destroy the beauty of the street.

Mr. S. O. Kirby stated that the planting strip is so narrow at this point that a car passing through the proposed driveway will protrude into the street at both ends of the driveway and be a traffic hazard.

Mr. Biggers stated that the planting strip was constructed with curb and gutter laid and was planted in 1936 with Federal Government funds, and has been maintained by the City since that time, and because of it The Plaza is one of the beautiful streets in the City; that the area is strictly residential and the construction of the Dixie Home Store on The Plaza was an infringement on a residential area and this proposed driveway is considered another infringement and the residents urge that it not be permitted.

Mayor Shaw stated that the Council will further consider the petition, hear anyone wishing to be heard and make a decision at their next meeting two weeks from today.

#### PARKING RESTRICTIONS IN 1200 AND 1300 BLOCKS OF EAST SEVENTH STREET PROTESTED.

Mr. S. J. Honey, Manager of Lincoln Soda Shop at 1209 East Seventh Street was spokesman for a group of business owners and operators in the 1200 and 1300 blocks of East Seventh Street, and protested the recent erection of signs prohibiting parking from 6:30 to 8:30 a.m. and 4:30 to 6:30 p.m., on both sides of the blocks. Mr. Honey advised that their businesses would suffer because of the restriction and urged that the signs be removed or limited to one side of the street in the same manner as it is on East 4th Street.

Mr. Yancey, City Manager, advised that due to the narrow width of the street and the great amount of traffic, it was necessary to restrict parking during peak hours to provide a double lane for traffic, and in fact it may well be that it will be necessary to make Seventh Street a one-way street west during peak morning hours and east during afternoon peak hours.

Councilman Van Every moved that the City Manager review the matter and do everything possible to cooperate with the concerns affected by the restriction. The motion was seconded by Councilman Albea, and unanimously carried.

METHOD OF HANDLING APPLICATIONS FOR BEER AND WINE LICENSE APPLICATIONS DEFERRED FOR DISCUSSION WITH CHIEF OF POLICE.

Mr. James E. Taylor, Inspector for the State ABC Board, outlined the method in which he has handled applications for beer and wine licenses during his three years term of office, and suggested that the Council might prefer to pass on these applications in lieu of his handling them as heretofore. He requested that if they desired him to continue his work in this connection, that formal action be taken requesting him to do so be taken and a copy of same given to him. Councilman Coddington moved that Mr. Taylor be requested to continue passing on the applications with the cooperation of the Police Department. The motion was seconded by Councilman Van Every.

Councilman Baxter offered a substitute motion that the matter be discussed with the Chief of Police prior to Council action, which was seconded by Councilman Albea, and unanimously carried.

RESOLUTION AUTHORIZING PERMANENT IMPROVEMENTS ON STONEWALL STREET.

A resolution entitled, "Resolution Authorizing Permanent Improvements on Stonewall Street" was introduced and placed on its final reading, and upon motion of Councilman Baxter, seconded by Councilman Coddington was unanimously adopted. The resolution is recorded in full in Resolutions Book 2, at Page 7.

RESOLUTION APPOINTING APPRAISERS IN CONNECTION WITH IMPROVEMENTS TO BE MADE ON STONEWALL STREET.

A resolution entitled, "Resolution Appointing Appraisers in connection with Improvements to be made on Stonewall Street" was introduced and read, and upon motion of Councilman Baxter, seconded by Councilman Van Every, was unanimously adopted. The resolution is recorded in full in Resolutions Book 2, at Page 10.

LEASE OF AIRPORT BUILDING AND AREA TO SOUTHERN FLIGHT EXECUTIVE TERMINAL, INC., DEFERRED UNTIL NEXT MEETING.

Councilman Van Every moved that action be deferred until the next Council Meeting on the proposed Lease-Agreement with Southern Flight Service Terminal, Inc., for Airport building and ground area for a term of ten years in order that the lease cancellation clause in the lease may be checked. The motion was seconded by Councilman Dellinger, and unanimously carried.

TRANSFER OF FUNDS FROM EMERGENCY FUND TO BUILDINGS & GROUNDS DEPARTMENT, RENTAL ACCOUNT, FOR PAYMENT OF RENTAL ON BUILDING ON E. 4TH STREET FROM JOE MCLAUGHLIN AGENT.

Motion was made by Councilman Van Every, seconded by Councilman Dellinger, and unanimously carried, authorizing the transfer of \$715.00 from the Emergency Fund (Code 110) to the Buildings & Grounds Department, Rental Account (Code 505-E-31) for payment of ten and one-half months rental on building on East 4th Street from Mr. Joe McLaughlin, Agent.

CONTRACT AWARDED BAKER-MITCHELL COMPANY FOR CAST IRON SOIL PIPE.

Upon motion of Councilman Baxter, seconded by Councilman Coddington, and unanimously carried, contract was awarded the low bidder, Baker-Mitchell Company for 20,000 feet of 4 inch single-hub and 3,000 feet of 4 inch double-hub Cast Iron Soil Pipe, as specified, on a unit price basis, representing a total price of \$11,854.70, subject to cash discount of \$237.09, or a net delivered price of \$11,617.61.

CONTRACT AWARDED BLYTHE BROS. COMPANY FOR STREET IMPROVEMENTS ON STONEWALL ST.

Motion was made by Councilman Baxter, seconded by Councilman Albea, and unanimously carried, authorizing the award of contract to the low bidder, Blythe Bros. Company, for street improvements to Stonewall Street, as specified, on a unit price basis, representing a total price of \$49,974.60.

SALE OF JUNK ITEMS AT CITY GARAGE AND IRWIN CREEK DISPOSAL PLANT TO SCHWARTZ & SONS.

Upon motion of Councilman Baxter, seconded by Councilman Albea, and unanimously carried, the sale of junk items at the City Garage and Irwin Creek Disposal Plant was authorized sold to Schwartz & Sons, at a price of \$500.00.

NOTICE OF CLAIM OF MRS. J. T. BRADLEY FIELD WITH CITY COUNCIL AND REFERRED TO CITY ATTORNEY.

Councilman Boyd moved that the notice of claim of Mrs. J. T. Bradley for personal injuries sustained on May 14, 1952 from falling on the sidewalk at the entrance to the parking lot on the west side of South Tryon Street, in the amount of \$20,000.00 be referred to the City Attorney. The motion was seconded by Councilman Van Every, and unanimously carried.

AGREEMENT WITH STATE HIGHWAY & PUBLIC WORKS COMMISSION FOR RIGHT-OF-WAY FOR INSTALLATION OF SANITARY SEWER LINE IN NORTH SIDE OF INDEPENDENCE BOULEVARD.

Motion was made by Councilman Coddington, seconded by Councilman Baxter, and unanimously carried, authorizing the Mayor and City Clerk to execute an agreement with the State Highway & Public Works Commission for right-of-way privileges to install a 10 inch sanitary sewer line in the north side of Independence Boulevard, for approximately 1,743.40 feet.

NAME OF TUCKER AVENUE FROM MONROE ROAD TO JUNE STREET, CHANGED TO MAYVIEW DRIVE.

Upon motion of Councilman Boyd, seconded by Councilman Van Every, and unanimously carried, the name of Tucker Avenue from Monroe Road to June Street was changed to Mayview Drive, as recommended by the City Engineer and Planning Board.

CONSTRUCTION OF NEW SANITARY SEWER MAINS AUTHORIZED.

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

(a) 1,186 feet of 8 inch sewer main in Meadow Lane and Academy Street, at an estimated cost of \$2,490.00, with all cost to be borne by the City, at the request of Fred J. Wiggins.

(b) 70 feet of 8 inch sewer main in June Street, at an estimated cost of \$120.00, with all cost to be borne by the City, at request of Miss Susan M. Klutz.

(c) 126 feet of 8 inch sewer main in Armory Drive, at an estimated cost of \$400.00, with all cost to be borne by the City, at request of Mrs. Barbara Biggers.

(d) 110 feet of 8 inch sewer main in Hanson Drive, at an estimated cost of \$340.00, with all cost to be borne by the City, at request of David B. Crosland Company.

(e) 468 feet of 8 inch sewer main in Amber Drive, at an estimated cost of \$1,010.00, with all cost to be borne by the City, at request of McArn & Gwynn.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

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

- (a) One 30 ft. entrance at 2444 Wilkinson Boulevard and of One 15 ft. entrance at the same location.
- (b) One 30 ft. entrance at 1419 S. Tryon Street.
- (c) One 20 ft. entrance on East Boulevard for 1001 S. Boulevard.
- (d) One 12 ft. entrance at 1420 Kennon Street.

- (e) One 7 ft. entrance to present 8 ft. entrance at 1419 East 4th Street.
- (f) One 15 ft. entrance at 1421 E. 4th Street.
- (g) One 20 ft. entrance at 1526 E. Boulevard.
- (h) One 30 ft. entrance at 1925 Seigle Avenue.
- (i) One 20 ft. entrance at 411-425 S. Mint Street.
- (j) One 30 ft. entrance to be constructed at 2205 Central Ave.

## RENEWAL OF SPECIAL OFFICER PERMIT TO G. W. WALLACE.

Councilman Van Every moved that the Special Officer Permit held by Mr. G. W. Wallace be renewed for one year for use on the premises of Highland Park Manufacturing Company. The motion was seconded by Councilman Dellinger, and unanimously carried.

## TRANSFER OF CEMETERY LOTS.

Motion was made by Councilman Coddington, seconded by Councilman Van Every, and unanimously carried, authorizing the Mayor and City Clerk to execute deeds for the transfer of the following cemetery lots:

- (a) Deed to H. L. Jones and wife, for Lot 251, Section 3, Evergreen Cemetery, at \$140.40.
- (b) Deed to R. E. Yarborough, for notheast quarter of Lot 132, Section 3, Evergreen Cemetery, at \$26.00.
- (c) Deed to Albert Ricketts for east half of Lot 165, Section 3, Evergreen Cemetery, at \$52.00.
- (d) Deed to Jack J. Gilley and wife, for west half of Lot 138, in Section 3, Evergreen Cemetery, at \$52.00.
- (e) Deed to J. B. Christenbury for Grave #4 in Lot 157, Section 3, Evergreen Cemetery, at \$26.00.
- (f) Deed to Mrs. Nannie Corley for Lot C, in front of Rows 11 and 12, Section A, North Pinewood Cemetery, at \$81.90.
- (g) Deed to Leon S. Pitman, Sr. and wife, for Lot 1, Section 4-A, Evergreen Cemetery, at \$417.35.
- (h) Deed to Jahn K. Civil and wife, for Lot 38, Section 3, Evergreen Cemetery, at \$206.70.
- (i) Deed for Special Care and Perpetual Care to Fred E. Smith, Executor of Andrew M. Smith Estate, for south half of Lot 70, Section A, Elmwood Cemetery, at \$288.00 for Special Care and \$72.00 for Perpetual Care.

## RESOLUTION WITH REGARD TO EXCAVATION UNDER SIDEWALKS AND STREET IN FRONT OF 118-128 NORTH COLLEGE STREET AND WITH REGARD TO PASSAGEWAY OVER THE NORTHERN PORTION OF HOWELL'S ARCADE, TO THE REAR OF 118-128 NORTH COLLEGE STREET.

A resolution entitled, "Resolution with Regard to Exeavation Under Sidewalks and Street in Front of 118-128 N. College Street and with Regard to Passageway over the northern portion of Howell's Arcade, to the Read of 118-128 North College Street " was introduced. Upon motion of Councilman Albea, seconded by Douncilman Coddington, and unanimously carried, the resolution passed on its first reading. The resolution is recorded in full in Resolutions Book 2, at Page 11.

## RESOLUTION AUTHORIZING FRANK T. MILLER, CONSULTING ENGINEER, TO PROCEED WITH PRELIMINARY WORK ON CROSSLINE FROM POINT NEAR GRIFFITH STATION ON THE COLUMBIA DIVISION OF THE SOUTHERN RY. TO A POINT ON THE MAIN LINE NEAR CHARLOTTE MUNICIPAL AIRPORT.

A resolution entitled, "Resolution Authorizing Frank T. Miller, Consulting Engineer, to proceed with preliminary work on crossline from point near Griffith Station of the Columbia Division of the Southern Ry. to a point on the main line near Charlotte Municipal Airport", was introduced and read. Upon motion of Councilman Baxter, seconded by Councilman Van Every, and unanimously carried, the resolution was adopted. The resolution is recorded in full in Resolutions Book 2, at Page 12.

RESOLUTION AUTHORIZING PAYMENT TO A. G. ODELL, JR., AND ASSOCIATES UNDER HIS CONTRACT WITH THE CITY OF CHARLOTTE FOR THE AUDITORIUM-COLISEUM.

A resolution entitled, "Resolution Authorizing Payment to A. G. Odell Jr., and Associates under his contract with the City of Charlotte for the Auditorium-Coliseum" was introduced and read. Councilman Coddington moved the adoption of the resolution, which was seconded by Councilman Baxter, and carried, with the votes east as follows:

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

Councilman asked to be recorded as not voting.

The resolution is recorded in full in Resolutions Book 2, at Page 13.

ACTION ON RESOLUTION TO ABANDON RIGHTS OF THE PUBLIC IN A PORTION OF COMMONWEALTH AVENUE AND WESTMORELAND AVENUE AND PECAN AVENUE.

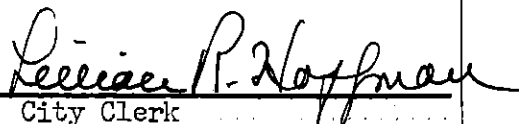
A resolution entitled, "Resolution to Abandon Rights of the Public in a Portion of Commonwealth Avenue and Westmoreland Avenue and Pecan Avenue" was introduced and read. Following the discussion, Councilman Van Every moved that action on the resolution be deferred until the next Council Meeting. The motion was seconded by Councilman Coddington, and unanimously carried.

HOLIDAY GRANTED CITY EMPLOYEES ON MONDAY, SEPTEMBER 1ST IN OBSERVANCE OF LABOR DAY.

Upon motion of Councilman Albea, seconded by Councilman Coddington, and unanimously carried, a holiday was granted City Employeys on Monday, September 1st, in observance of Labor Day.

ADJOURNMENT.

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

  
City Clerk