

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Wednesday, June 11, 1952, at 4 o'clock p.m., with Mayor Shaw presiding, and Councilmen Albea, Baxter, Boyd, Coddington, Dellinger, and Jordan present.

Absent: Councilman Van Every.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Dellinger, and unanimously carried, the minutes of the last meeting on May 28th were approved as submitted.

REQUEST FOR APPROPRIATION TO CHARLOTTE RESCUE MISSION TAKEN UNDER ADVISEMENT AS TO LEGALITY TO MAKE SAME.

Mr. J. B. Ivey, Mr. Vernon Patterson and Mr. Guy M. Beatty, Trustees of the Charlotte Rescue Mission, appeared before Council with regard to the City making an appropriation to the Mission. Mr. Ivey advised that the Mission has a \$5,000.00 deficit and requested that \$1,000.00 be appropriated by the City towards this work. He stated further that in caring for the needy transients who are without funds that the Mission does a great service to the City and saves the City Government money in housing and food for at least a part of these men who might otherwise be confined to the City Jail because of breaking local laws such as public begging or burglary. He stated that the water bill paid to the City annually exceeds \$500.00. Mr. Patterson and Mr. Beatty spoke of the constructive work of the Mission, stating that the religious work pays big dividends in that they have at least 1,000 conversions each year. The City Attorney advised that the City cannot legally appropriate funds for charity. Mr. Beatty then advised that he understands that the City contributes the amount of the water bill of the Y.M.C.A. and Y. W. C. A. to these institutions. The City Manager advised that some small appropriations have been made and he has advised the Council each time that it was an illegal appropriation. Mayor Shaw and several Councilmen stated they were not aware of this fact, and if illegal the practice would immediately cease. Councilman Dellinger moved that the request be taken under advisement and considered at the time the budget is discussed and if an appropriation can legally be made, that it be done. The motion was seconded by Councilman Albea, and unanimously carried.

REQUEST FOR PAVING, OR TAR AND GRAVEL ON BRUNS AVENUE AND STREETS WITHIN THE VICINITY DEFERRED FOR INVESTIGATION.

A delegation of residents of the vicinity of Bruns Avenue appeared before Council with Mr. H. L. Johnson as spokesman. He requested that Bruns Avenue from Sumter Street to the railroad, and Sumter Street to the end of the road on Bruns Avenue, and Katonah Avenue to the railroad and Manhopac Street to State Street be paved or improved with tar and gravel, in order that the extremely dusty condition may be corrected. Mr. Johnson stated further that water from the Seversville School constantly runs down through this area and has caused gulleys to form in both the street and in yards of residents. He urged that something be done immediately to correct the condition. Councilman Jordan moved that the Council members go out and see the streets and report their findings at the next meeting of the Council on June 25th. The motion was seconded by Councilman Dellinger, and unanimously carried.

PETITION FOR REPAIR, MAINTENANCE AND UPKEEP OF CONDON STREET REFERRED TO CITY MANAGER FOR INVESTIGATION AND REPORT.

A petition for the repair, maintenance and upkeep of Condon Street, from Renner Street to Russell Street was filed by a property owner of the said Street who stated he represented ten families residing on Condon Street. Councilman Jordan moved that the City Manager investigate the matter and see if the street is in condition to be taken over for maintenance by the City, and to report his findings at the next meeting of the Council on June 25th. The motion was seconded by Councilman Coddington, and unanimously carried.

RESOLUTION PROVIDING FOR A PUBLIC HEARING ON JULY 9TH ON A PROPOSED AMENDMENT TO THE ZONING ORDINANCE ON PROPERTY LOCATED BETWEEN NORTH TRYON STREET AND HUTCHINSON AVENUE.

An ordinance entitled, "Ordinance (No. 149) Amending the Zoning Ordinance" to change the Building Zone Map from R-2 to Industrial on property located between N. Tryon Street and Hutchinson Avenue, was introduced. Following the reading thereof a resolution entitled, "Resolution Providing for a Public Hearing on the proposed Amendment to the Zoning Ordinance" on July 9th was presented and read. Upon motion of Councilman Jordan, seconded by Councilman Dellinger, and unanimously carried, the resolution was adopted. The resolution is recorded in full in Resolutions Book 1, at Page 485.

RESOLUTION REVOKING AUTHORITY OF ERVIN KAHN TO EXCAVATE UNDER THE SIDEWALKS AT THIRD AND CHURCH STREETS.

A resolution entitled, "Resolution Revoking the Authority of Ervin Kahn to excavate under the sidewalks at Third and Church Streets" was introduced and read, and upon motion of Councilman Jordan, seconded by Councilman Albea, and unanimously carried, was adopted. The resolution is recorded in full in Resolutions Book 1, at Page 486.

RESOLUTION WITH RESPECT TO THE NON-RETIREMENT OF TEN CITY EMPLOYEES WHO ARE SIXTY-FIVE YEARS OLD OR OLDER.

A resolution entitled, "Resolution with Respect to the Non-Retirement of Ten City Employees who are Sixty-five Years old or older" was introduced and read, and upon motion of Councilman Albea, seconded by Councilman Dellinger, was unanimously adopted. The resolution is recorded in full in Resolutions Book 1, at Page 487.

RESOLUTION PROVIDING FOR FILING THE BUDGET ESTIMATE FOR THE FISCAL YEAR 1952-53 WITH THE CITY CLERK AND THE PUBLICATION OF THE SYNOPSIS.

A resolution entitled, "Resolution providing for filing the Budget Estimate for the Fiscal Year 1952-53 with the City Clerk and the Publication of the Synopsis" was introduced and read. Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, the resolution was adopted. The resolution is recorded in full in Resolutions Book 1, at Page 488.

RESOLUTION FIXING DATE OF HEARING ON JULY 9th ON PETITION OF T. C. BOWIE ET AL FOR ANNEXATION OF 2.60 ACRE TRACT OF LAND IN CRAB ORCHARD TOWNSHIP, TO THE CITY.

A petition signed by Mr. Thomas C. Bowie, Jr., Elizabeth B. Redd, and Jean D. Bowie, for the annexation of approximately 2.60 acre tract of land to the City of Charlotte, being located in Crab Orchard Township northwest of Eastway Drive and contiguous to the northwestern boundary of Charlotte, was presented and read. Following which a resolution entitled, "Resolution Fixing date of Hearing on July 9th on petition of T. C. Bowie, Jr. et al for the annexation of certain territory in Crab Orchard Township" was introduced and read, and upon motion of Councilman Albea, seconded by Councilman Dellinger, was unanimously adopted. The resolution is recorded in full in Resolutions Book 1, at Page 489,

RESOLUTION FIXING DATE OF HEARING ON JULY 9TH ON PETITION OF BARRON R. PHILLIPS ET AL FOR ANNEXATING TO THE CITY OF 12.75 ACRE TRACT OF LAND IN CRAB ORCHARD TOWNSHIP.

A petition signed by Barron R. Phillips and wife, Thelma T. Phillips and Fred J. Wiggins and wife, Nina R. Wiggins, for the annexation of approximately 12.75 acre tract of land to the City, same being located in Crab Orchard Township northwest of Eastway Drive and contiguous to the northeastern boundary of Charlotte, was presented and read. Following which, a resolution entitled, "Resolution Fixing Date of Hearing on July 9th on Petition of Barron R. Phillips et al for the Annexation of Certain Territory in Crab Orchard Township", was introduced and read, and upon motion of Councilman Dellinger, seconded by Councilman Albea, was unanimously adopted. The Resolution is recorded in full in Resolutions Book 1, at Page 490.

EFFECTIVE DATE OF ORDINANCE REGULATING THE DISCHARGE OF SUBSTANCES INTO THE SANITARY SEWER SYSTEM EXTENDED TO JULY 19, 1953.

Councilman Dellinger moved that the effective date of the Ordinance Regulating the Discharge of Substances into the Sanitary Sewer System, adopted on July 19, 1950, be extended to July 19, 1953, as the redesign of the Sewage Treatment Plant to take care of the discharge will not be completed prior to that date. The motion was seconded by Councilman Coddington, and unanimously carried.

SETTLEMENT OF CLAIM WITH DR. HARRY WINKLER FOR REPAIRS TO CAR DAMAGED BY POLICE MOTORCYCLE.

Councilman Coddington moved that the claim of Dr. Harry Winkler, in the amount of \$118.54, for damages to his car by a Police motorcycle on May 2nd at North Pine and West 6th Street, be settled in full as recommended by the City Manager and City Attorney. The motion was seconded by Councilman Dellinger, and unanimously carried.

PLAT OF H. G. ASHCRAFT PROPERTY SUBDIVISION APPROVED.

Motion was made by Councilman Boyd, seconded by Councilman Coddington, and unanimously carried, approving the Plat of the H. G. Ashcraft Property Subdivision, as recommended by the Planning Board upon petition of Mr. H. G. Ashcraft.

CONTRACTS FOR THE CONSTRUCTION OF WATER MAINS AUTHORIZED.

Upon motion of Councilman Boyd, seconded by Councilman Coddington, and unanimously carried, contracts for the construction of water mains were authorized at the following locations:

(a) Contract with Marsh Realty Company for the construction of 1,240 feet of 6-inch mains and 270 feet of 1½ inch main, in Regal Heights Subdivision, at an estimated cost of \$3,304.00, to serve 34 residential lots. All cost to be borne by the City and applicant will guarantee a gross annual water revenue equal to 10% of the total construction cost.

(b) Contract with Plaza Acres Construction Company for the construction of 1,460 feet of 6 inch, 2,000 feet of 2 inch and 350 feet of 1½ inch water mains in Plaza Heights Subdivision, outside the city limits, being a part of Wendover Hills, at an estimated cost of \$7,450.00, to serve 29 residential lots in Blocks A and B. All cost to be borne by the applicant, who will own mains until territory taken into the city.

(c) Contract with the H-W Corporation for the construction of 1,765 feet of 6 inch and 200 feet of 1¼ inch mains in Double Oaks subdivision, at an estimated cost of \$4,500.00 to serve residential property in Blocks 3,4,5,6,11, 12,13 and 14 of Double Oaks Subdivision. All cost to be borne by the City and Applicant will guarantee a gross annual water revenue equal to 10% of the total construction cost.

CONTRACT AWARDED ELECTRIC ICE & FUEL COMPANY FOR COAL.

Councilman Boyd moved that contract be awarded the low bidder, Electric Ice & Fuel Company, for 100 Tons of Stoker Coal and 900 Tons of Pocahontas Stove or Egg Coal, as specified, on a unit price basis, representing a net delivered price of \$12,233.00. This motion was seconded by Councilman Baxter, and unanimously carried.

CONSTRUCTION OF SANITARY SEWERS AUTHORIZED.

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

(a) 125 feet of 8 inch sewer in Ordermore Avenue, at an estimated cost of \$200.00, to serve one family unit and one vacant lot, at request of Ervin Construction Company. All cost to be borne by the City.

(b) 210 feet of 8 inch sewer in Union Street at an estimated cost of \$400.00, to serve 2 family units and 2 vacant lots, at request of John Ferguson, Jr. All cost to be borne by the City.

(c) 2,115 feet of 8 inch sewer and 1,996 feet of trunk sewer in Wendover Hills, at an estimated cost of \$11,905.00, to serve 18 family units and 7 vacant lots, at request of Vernon D. Goode. All cost to be borne by the City, and applicant's deposit of \$5,170.00 to be partially refunded as per terms of the contract.

STREETS TAKEN OVER FOR MAINTENANCE.

Motion was made by Councilman Boyd, seconded by Councilman Dellinger, and unanimously carried, authorizing the following streets to be taken over for maintenance:

- (a) Guilford Court, from Cambridge Road to end.
- (b) Guilford Drive, from Sunset Drive to Cambridge Road.
- (c) Habersham Drive, from Sunset Drive to Cambridge Road.
- (d) Sunset Drive, from Habersham Drive to Cambridge Road.

NAME OF MCARN DRIVE CHANGED TO AMBER DRIVE.

Councilman Boyd moved that the name of McArn Drive be changed to Amber Drive, as recommended by the City Engineer and Planning Board upon petition of the property owners on said street. The motion was seconded by Councilman Jordan, and unanimously carried.

REMOVAL OF TREES FROM PLANTING STRIP AT 2606 COMMONWEALTH AVENUE AUTHORIZED.

Upon motion of Councilman Boyd, seconded by Councilman Jordan, and unanimously carried, the removal of two trees from the planting strip at 2606 Commonwealth Avenue was authorized at the request of Mr. Ernest Dixon.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

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

- (a) One 10 ft. entrance at 218 Hillside Avenue.
- (b) One 20 ft. entrance at 120 W. Hill Street.
- (c) One 12 ft. entrance at 825 Westbrook Drive.
- (d) One 10 ft. entrance on Hillside Ave. for 201 Wales Avenue.
- (e) Two 20 ft. entrances at 2711 Monroe Road.
- (f) One 30 ft. entrance at 2019 Old Thrift Road.
- (g) One 24 ft. entrance at 2025 Old Thrift Road.
- (h) Two 30 ft. entrances at 2101 Old Thrift Road.

TRANSFER OF CEMETERY LOTS.

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

(a) Deed to Mrs. Marie P. Simerson, for east half of Lot 134 and west half of Lot 118, in Evergreen Cemetery, at \$130.00.

(b) Deed to Mrs. Era Duncan Warren and Heirs, for Lot 54 in Section 4-A, Evergreen Cemetery, at \$163.80.

(c) Deed to Messrs. Lester & Woodrow Starnes and Mrs. Ruth Starnes Boyte, transferred from Mr. G. R. Starnes, for Lot 8-Fraction, in Section S, Elmwood Cemetery, at \$1.00 for transfer.

CONTRACT WITH STATE BOARD OF HEALTH FOR PUBLIC HEALTH ACTIVITIES OF CHARLOTTE HEALTH DEPARTMENT FOR FISCAL YEAR 1951-52.

Motion was made by Councilman Boyd, seconded by Councilman Baxter, and unanimously carried, authorizing the Mayor and City Clerk to execute a contract between the City of Charlotte and the North Carolina State Board of Health, for public health activities of the Charlotte Health Department for the fiscal year 1951-52.

PERMISSION GRANTED JOHN WILEY COMPANY TO LOCATE PLANT AT 610 MCNINCH STREET FOR MANUFACTURE OF HOUSEHOLD AND INDUSTRIAL BLEACH.

Upon motion of Councilman Dellinger, seconded by Councilman Jordan, and unanimously carried, the John Wiley Company was granted permission to locate their plant at 610 McNinch Street, in an Industrial Zone, for the manufacture of household and industrial bleach.

CONTRACT AWARDED LYNCHBURG FOUNDRY COMPANY FOR PIPE.

Councilman Jordan moved that contract be awarded the low bidder, Lynchburg Foundry Company, for 576 feet of 10 inch Class 100 B & S Super DeLavaud Pipe, 18 foot lengths, as specified, on a unit price basis, representing a net delivered price of \$1,572.48. The motion was seconded by Councilman Coddington, and unanimously carried.

SOIL RECONDITIONING ON STONEWALL STREET UNDERPASS PROJECT AUTHORIZED AND FUNDS APPROPRIATED FROM STREET BOND FUNDS.

Mr. Yancey, City Manager, advised that Mr. Frank Miller, Consulting Engineer for the Stonewall Street Underpass Project, and he have encountered an unexpected situation involving unsuitable soil at the Stonewall Street Underpass construction which will not provide a competent and suitable foundation for the street. He advised that they have exhausted every possible means of determining the most inexpensive method of correcting the condition, including a consultation on the site with Mr. Hicks of the State Testing Laboratory. He stated the plan for remedying the condition that is recommended by them as the least expensive, is to recondition the soil with sand and red clay and install pipe lines for proper drainage, the cost of reconditioning the soil being \$17,500.00 and installing the pipe lines \$1,210.00, making a total cost of \$18,710.00. Councilman Baxter moved that the recommendation be accepted and the work done, and that \$18,710.00 be appropriated for this purpose from the street bond fund. The motion was seconded by Councilman Jordan, and unanimously carried.

COUNCIL CONFERENCE FIXED FOR WEDNESDAY, JUNE 18th, TO DECIDE ON REQUEST OF QUEEN CITY CAB COMPANY FOR TAXICAB FRANCHISE.

Councilman Baxter advised that he has been endeavoring to learn the facts of the taxicab situation, and finds that the Taxicab Ordinance provides that if an owner ceases to operate its cabs for a period of 30 days without permission, the franchises may be revoked. He stated further that he also finds that Baker Cab Company has 18 franchised cabs and is operating 18, Victory Cab Company has 46 franchised cabs and is operating 43, Yellow Cab Company has 56 franchised cabs and is operating all 56 and Red Top Cab

Company has 58 franchised cabs and is operating 36. He stated that he believes that any person should be given an opportunity to operate a cab company if he meets the legal requirements of the City, and that all cab companies should operate according to the Taxicab Ordinance. He requested that the Council come prepared two weeks from today to vote on whether to have a hearing on the recall of the certificates for the cabs not in operation.

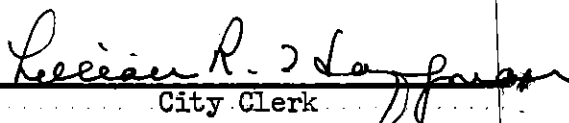
Councilman Boyd moved that certificates of public convenience and necessity be granted today to the Queen City Cab Company to operate ten taxicabs. The motion was seconded by Councilman Baxter.

Councilman Jordan offered a substitute motion that the Council meet next Wednesday afternoon, following the Joint Session with the County Commissioners, and go over the entire taxicab situation and decide as to whether to issue the requested franchise, and settle this important question. The motion was seconded by Councilman Albea.

Councilman Boyd withdrew his motion, and the vote was taken on the motion by Councilman Jordan, and unanimously carried.

ADJOURNMENT.

Councilman Albea moved that the Council adjourn until 2:30 o'clock p.m., on Wednesday, June 18th, and meet at that time with the Mecklenburg County Commissioners in the office of the Mayor. The motion was seconded by Councilman Dellinger, and unanimously carried.


City Clerk