

May 27, 1953  
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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Wednesday, May 27, 1953, at 4:00 o'clock p.m., with Mayor Van Every presiding, and Councilmen Albea, Baxter, Boyd, Brown, Dellinger, Smith and Wilkinson present.

Absent: None

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Dellinger, seconded by Councilman Wilkinson, and unanimously carried, the minutes of the meeting on May 20th were approved as submitted.

ORDINANCE PERMITTING GRATES ON SIDEWALKS WHEN APPROVED BY CITY ENGINEER UPON SPECIFIC PERMISSION BY THE CITY COUNCIL.

Mr. Paul R. Erwin, Attorney representing the Addison Building Corporation, advised that the Addison Storage Garage at 218 South Church Street is being converted into an office building, and in order to install the necessary transformers, it is necessary to place a grating in the sidewalk, which is now prohibited by the City.

The City Manager advised that an ordinance is being presented for consideration today that will permit the requested installation if adopted.

The ordinance entitled: "ORDINANCE NO. 179 PERMITTING GRATES ON SIDEWALKS WHEN APPROVED BY THE CITY ENGINEER UPON SPECIFIC PERMISSION BY THE CITY COUNCIL", was introduced and read. Councilman Albea moved the adoption of the ordinance as presented, which was seconded by Councilman Wilkinson, and unanimously carried. The ordinance is recorded in full in Ordinance Book 11, at Page 308.

REQUEST OF ADDISON BUILDING CORPORATION TO INSTALL FUEL OIL TANK UNDER SIDEWALK AT 218 SOUTH CHURCH STREET DEFERRED.

Mr. Paul R. Erwin, Attorney representing the Addison Building Corporation stated that in the development of an Office Building from the present Addison Storage Garage at 218 South Church Street they wish to install a 8,000 gallon capacity fuel oil tank in the space the storage tank has heretofore been, and it will be necessary for the tank to extend from 3 to 3½ feet under the sidewalk; that under the Fire Prevention Code the maximum capacity of such tanks is 5,000 gallons. Deputy Fire Chief Joe Morris, Director of the Fire Prevention Bureau was present at the request of the City Manager, and explained in detail the location of the tank; the regulation relative to the capacity of such tanks, and the capacity recommended by the National Board of Fire Underwriters. He stated that it is their opinion that the installation of an 8,000 capacity tank will create a fire hazard in view of the quantity of gasoline that could leak out should the tank become defective. He advised that since there is a retaining wall at the location, the Bureau will approve the installation of two 4,000 gallon tanks; however, he understands there is an engineering problem involved in this installation.

Following the discussion, it was suggested that Mr. Erwin and Chief Morris discuss the matter further and see if something satisfactory to both cannot be worked out, and if not then the request will be further considered at the next Council meeting.

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REQUEST THAT CHANGE IN ZONING OF THREE LOTS AT THE CORNER OF JEWELL AND ALEXANDER STREETS, IN GRIERTOWN, WHICH WAS DENIED BY ZONING BOARD OF ADJUSTMENT, BE GRANTED BY COUNCIL.

Mr. W. J. Crosby, Jr., advised that on May 19th he filed a petition with the Zoning Board of Adjustment for a change in zoning from R-2 to B-1 on three lots located at the corner of Jewell and Alexander Streets in Griertown, on which he desires to erect some apartment houses and a shopping center, and that his request was denied by the said Board. He requested that the Council consider his request for the re-zoning.

Upon motion of Councilman Boyd, seconded by Councilman Baxter, and unanimously carried, the City Attorney was directed to draw up the necessary papers for the consideration of the request.

HEARING ON REQUEST OF QUEEN CITY CAB COMPANY FOR TAXICAB FRANCHISE SET FOR WEDNESDAY, JUNE 3, 1953.

Mr. Charles V. Bell, Attorney, requested that a hearing be given the petitioners for a franchise to operate a taxicab company in Charlotte. He stated that conditions have changed since the petition of the Queen City Cab Company was denied, and they wish the application on file with the City reconsidered.

Councilman Boyd moved that the application on file be considered and the hearing fixed for the Council Meeting on June 3rd. The motion was seconded by Councilman Brown, and unanimously carried.

APPOINTMENT OF JOHN H. MILLS AS COLLECTOR OF REVENUE, EFFECTIVE JULY 1, 1953.

Councilman Alba moved the nomination of Mr. John H. Mills as Collector of Revenue, effective July 1, 1953, at the present salary of \$7,500.00, and the bond fixed at \$50,000.00. The motion was seconded by Councilman Wilkinson.

Councilman Baxter moved the nomination of Mr. M. A. White as Collector of Revenue. The motion was seconded by Councilman Dellinger. Councilman Baxter advised that Mr. White has had considerable experience as Assistant Collector of Revenue and that he is thoroughly qualified for the position.

Councilman Wilkinson stated that he has letters endorsing Mr. Mills for the position of Collector of Revenue from the following citizens:

Mr. R. L. Simpson, Division Sales Manager of the Motion Picture Advertising Service Company, Mr. Rush S. Dickson of R. S. Dickson & Company, Mr. W. F. Phillips, Vice-President of the Commercial National Bank, Mr. David M. McConnell, Chairman of Mecklenburg County Democratic Executive Committee, Mr. Zeb C. Strawn, President of The Citizens Bank, Mr. T. A. Little of the Consolidated Theatres, Inc., and Mr. O. A. Robinson, Advertising Director of The Charlotte Observer.

Councilman Baxter asked if any of the writers had anything to say about Mr. Mills qualifications for the position.

Councilman Wilkinson replied that they did, and he read the following letters:

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Members of the City Council  
Charlotte, North Carolina

Gentlemen:

I have known Mr. John H. Mills over a period of years and believe him qualified for the office of City Tax Collector from a standpoint of business experience, personality and congeniality.

I, therefore, invite your favorable consideration of his application for the position named.

Sincerely yours,

R. S. Dickson "

" May 12, 1953

Members of City Council  
City Hall  
Charlotte, North Carolina

Gentlemen:

I have known Mr. John H. Mills for many years, and during this time it has been my pleasure to have numerous transactions with him personally, and he has also been a good customer of our bank over this period of time.

I believe he is qualified for the job of City Tax Collector and would like to see him receive your favorable consideration.

Yours very truly,

W. F. Phillips "

At this point Councilman Boyd asked the City Attorney if this appointment, under the Charter, is not at the will of the Council? Mr. Shaw replied that it is, that only the Recorder and Solicitor are appointed for specified terms.

The vote on the motion for the appointment of Mr. Mills was then taken, and carried, with the votes cast as follows:

AYE: Councilmen Albea, Boyd, Brown, Smith and Wilkinson.

NAY: Councilmen Baxter and Dellinger.

DUKE POWER COMPANY TO BE REQUESTED TO PROVIDE BUS SERVICE TO GRIFFITH PARK WHEN BALL GAMES ARE PLAYED.

Councilman Brown advised that he concurs in the suggestion of a large number of citizens that bus service should be provided to Griffith Park during the baseball season on nights that games are played, and he moved that the Mayor and City Manager confer with Duke Power Company Officials relative to such service being provided. The motion was seconded by Councilman Albea, and unanimously carried.

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COUNCILMEN ADVISED BY MAYOR TO PRESENT REQUESTS FOR BUS SERVICE.

Councilmen Wilkinson and Albea stated that many requests for bus service have been made to them, which they would like discussed with Duke Power Company Officials. Mayor Van Every suggested that they present them to the Council for consideration.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON ORDINANCE AMENDING ZONING ORDINANCE TO CHANGE ZONING ON WOODWARD AVENUE.

An ordinance entitled: "Ordinance No. 178 Amending the Zoning Ordinance" to change the Building Zone Map from R-2 to Industrial on the rear portion of Lots 1 through 12 on Woodward Avenue, between Vanderbilt Road and Whiten Street, was introduced. Following the reading thereof, a Resolution Providing for a Public Hearing on the Ordinance on June 17th, 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 2, at Page 104.

RESOLUTION WITH RESPECT TO ELIMINATING RAILWAY GRADE CROSSINGS ACROSS SOUTH TRYON STREET IN THE CITY OF CHARLOTTE, NORTH CAROLINA, BEING N. C. ROUTE NO. 49.

A resolution entitled: "Resolution With Respect to Eliminating Railway Grade Crossings Across South Tryon Street in the City of Charlotte, North Carolina, Being N. C. Route No. 49", was introduced and read. Councilman Brown moved the adoption of the resolution, which was seconded by Councilman Albea, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, beginning at Page 105.

SUPPLEMENTAL AGREEMENT NO. 4 TO LEASE (C2CA-3467) WITH CIVIL AERONAUTICS ADMINISTRATION FOR RELOCATION OF APPROACH LIGHT LANE.

Councilman Dellinger moved approval of Supplemental Agreement No. 4 to Lease (No. C2CA-3467) with the United States Government, Civil Aeronautics Administration, Approach Light Lane for Instrument Landing System at Douglas Municipal Airport, for the relocation of the said Lane made necessary by runway extensions, as recommended by the City Manager. The motion was seconded by Councilman Albea, and unanimously carried.

PURCHASE OF TRIANGULAR PARCEL OF LAND OFF LOTS 235-37 FLINT STREET FROM SEABROM WAY AND WILMA E. WAY FOR EXTENSION OF WEST FIFTH STREET.

Motion was made by Councilman Albea, seconded by Councilman Baxter, and unanimously carried, authorizing the purchase of a triangular parcel of land off Lots 235-37 Flint Street, from Seabrom Way and Wilma E. Way, at a price of \$5,000.00 for the extension of West Fifth Street.

SETTLEMENT OF CLAIM OF DEWITT LITTLE FOR DAMAGES TO CAR.

Councilman Albea moved that the claim of Mr. Dewitt Little, Route #3, Matthews, N. C., be settled in full in the amount of \$154.77, for damages to his car by Garbage Truck No. 59 on May 1, 1953, as recommended by the City Attorney. The motion was seconded by Councilman Smith, and unanimously carried.

CONSTRUCTION OF SANITARY SEWER MAINS AUTHORIZED.

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

- (a) 120 feet of 8 inch sewer in St. Luke Street, at an estimated cost of \$200.00, to serve one family unit and four vacant lots, at request of Mr. Robert Simpson, 1900 St. Luke Street. All costs to be borne by the City.

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- (b) 625 feet of 8 inch sewer in Bonaire Retreat, at an estimated cost of \$1,630.00, to serve 15 vacant lots, at request of McArn & Gwynn Company. All costs to be borne by the City, and applicant's required deposit of the full amount to be refunded as per terms of the contract.

PRIVATELY OWNED SEWER LINES AUTHORIZED CONNECTED TO CITY'S SEWERAGE SYSTEM.

Upon motion of Councilman Dellinger, seconded by Councilman Albea, and unanimously carried, requests were granted the following persons to connect privately owned sanitary sewer lines to the City's Sewerage System:

- (a) Request of J. A. Jones Construction Company to connect 4,285 lineal feet of sewer line to City's Sugaw Creek trunk line at the city limits, to serve Raleigh Street Industrial Development lying outside the city limits.
- (b) Request of W. Reid Hudson to connect 1,535 lineal feet of sewer line, to be constructed outside the city limits, to the City's system through Henderson Branch Trunk, to serve the Reid Hudson Property.
- (c) Request of George S. Goodyear to connect 4,671 lineal feet of sewer line outside the city limits, to the City's Sewerage System, to serve Selwyn Park Addition No. 4.

CONTRACT AUTHORIZED WITH AMERICAN INVESTMENT COMPANY FOR CONSTRUCTION OF WATER MAINS IN CLOISTERS SUBDIVISION.

Councilman Brown moved that contract be approved with the American Investment Company for the construction of 6,160 feet of water mains and 3 fire hydrants in the Cloisters Subdivision, outside the city limits, at an estimated cost of \$18,315.00, to serve residential property consisting of 60 lots. All costs to be borne by the Applicant, who will own the mains until territory is taken into the city. The motion was seconded by Councilman Dellinger, and unanimously carried.

CONTRACT FOR CAST IRON PIPE AWARDED LYNCHBURG FOUNDRY COMPANY.

Upon motion of Councilman Albea, seconded by Councilman Dellinger, and unanimously carried, contract was awarded Lynchburg Foundry Company, for 20,000 feet of 6-inch, 5,000 feet of 8-inch and 5,000 feet of 12-inch Cast Iron Pipe, as specified, on a unit price basis, representing a net delivered price of \$58,550.00.

CONTRACT AWARDED AMERICAN CAST IRON PIPE COMPANY FOR CAST IRON PIPE FITTINGS.

Motion was made by Councilman Albea, seconded by Councilman Dellinger, and unanimously carried, awarding a contract to the American Cast Iron Pipe Company for Schedule of 230 Cast Iron Pipe Fittings, as specified, on a unit price basis, representing a net delivered price of \$4,231.47 - price based on today's freight rate - any change in said rate will be for the buyer's account.

CONTRACT AWARDED CRANE COMPANY FOR WROUGHT IRON PIPE.

Upon motion of Councilman Brown, seconded by Councilman Smith, and unanimously carried, contract was awarded Crane Company for 30,000 feet of 3/4-inch, and 7,500 feet of 2-inch Wrought Iron Pipe, as specified, on a unit price basis, representing a total price of \$10,620.75, subject to cash discount of \$189.31, or a net delivered price of \$10,431.44.

CONTRACT AWARDED CRAWFORD SUPPLY COMPANY FOR GATE VALVES.

Motion was made by Councilman Albea, seconded by Councilman Dellinger, and unanimously carried, awarding contract to Crawford Supply Company, for 100, 6-inch, 40, 8-inch and 10, 12-inch Gate Valves, as specified, on a unit price basis, representing a total price of \$7,596.40, subject to cash discount of \$151.93.

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CONTRACT AWARDED FLOWE BROS. CONSTRUCTION COMPANY FOR CLEARING, GRADING, DRAINAGE, ETC. STREET IMPROVEMENTS ON MARLOWE AVENUE PROJECT.

Upon motion of Councilman Wilkinson, seconded by Councilman Smith, and unanimously carried, contract was awarded Flowe Bros. Construction Company, for Clearing, Grading, Drainage, etc. on Street Improvements on Marlowe Avenue Project, as specified, on a unit price basis, representing a total price of \$1,962.00.

CONTRACT AWARDED ERVIN CONSTRUCTION COMPANY, INC. FOR FINE GRADING, CURB & GUTTER, SIDEWALKS, PAVING, ETC. IN STREET IMPROVEMENTS, MARLOWE AVENUE PROJECT.

Upon motion of Councilman Dellinger, seconded by Councilman Smith, and unanimously carried, contract was awarded Ervin Construction Company, for Fine Grading, Curb & Gutter, Sidewalks, Paving, etc., on Street Improvements, Marlowe Avenue Project, as specified, on a unit price basis, representing a total price of \$10,283.00.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

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

- (a) One 8-ft. driveway at 1300 Myrtle Avenue.
- (b) One 9-ft. driveway at 117-19 Sylvania Avenue.
- (c) One 15-ft. driveway at 1031 North Graham Street.
- (d) One 20-ft. driveway at 216 East 9th Street.
- (e) Two 30-ft. driveways at 2700 N. Tryon Street and One 30-ft. on West 30th Street - both for 2700 N. Tryon Street.
- (f) Extension of present 10-ft. driveway to 15½-feet, at 2205 Avondale Avenue.

LEASE OF AIRPORT BUILDINGS REPORTED.

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

BUILDING NO.	LESSEE	MONTHLY RENTAL	DATE AND TERM OF LEASE
68	Carolina School Supply Co.	\$99.90	6-15-53 1 year (renewal)
257	Charlotte 7-Up Bottling Co.	30.00	5--1-53 1 year (renewal)
244	Cald-Law, Inc.	25.00	4--1-53 1 year
47	L. D. Payne	25.80	4-16-53 1 year (renewal)
74	Southern Airways, Inc.	1.80	3--1-53 1 year (renewal)

TRANSFER OF CEMETERY LOT TO MRS. FRED E. TIPTON.

Motion was made by Councilman Dellinger, seconded by Councilman Smith and unanimously carried, authorizing the Mayor and City Clerk to execute a deed with Mrs. Fred E. Tipton, for the transfer of Lot 334, in Section 3, Evergreen Cemetery, at a cost of \$122.85.

PURCHASE OF STRIP OF LAND, BETWEEN IRWIN CREEK AND ANDRILL TERRACE, FROM PIEDMONT AND NORTHERN RAILWAY COMPANY, FOR EXTENSION OF WEST FIFTH STREET.

Motion was made by Councilman Albea, seconded by Councilman Dellinger, and unanimously carried, authorizing the purchase of a strip of land, between Irwin Creek and Andrill Terrace, from the Piedmont and Northern Railway Company, at a price of \$3,000.00, for the extension of West Fifth Street.

REQUEST THAT SIDEWALK IN 1900 BLOCK OF EWING AVENUE BE REPAIRED.

Mr. L. L. Ramseur, 1922 Ewing Avenue, requested that the sidewalk in the 1900 block of Ewing Avenue be repaired. Mayor Van Every referred the request to the City Manager for investigation and report.

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COUNCILMAN BAXTER URGES THAT PENDING PROJECTS BE COMPLETED.

Councilman Baxter called attention to several projects that are pending, and urged that the Selwyn Avenue widening, Plaza Road improvement and the erection of a fire station in the eastern section of the City, be pushed to completion.

Mr. Yancey stated that the property on East Boulevard at Sugaw Creek seems to be the most suitable site for the fire station, and can be purchased for \$25,000.00

ADJOURNMENT.

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

*Leoline P. Hoffman*  
City Clerk