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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, October 6, 1954, at 4 o'clock p.m., with Mayor Van Every presiding, and Councilmen Albea, Baxter, Boyd, Brown, Dellinger, Smith and Wilkinson present.

Absent: None.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Smith, seconded by Councilman Wilkinson, and unanimously carried, the minutes of the last meeting on September 29th were approved as submitted.

ORDINANCE NO. 236-X EXTENDING THE CORPORATE LIMITS OF CHARLOTTE BY ANNEXING THERETO PROPERTY OF C. D. SPANGLER CONSTRUCTION COMPANY LOCATED IN PAW CREEK TOWNSHIP.

Mayor Van Every stated the Council would now consider the petition of C. D. Spangler Construction Company for the annexation of certain property in Paw Creek Township, due notice having been given the property owners within the area in The Charlotte News.

No objections to the annexation was expressed by the property owners in the area. Thereupon, an ordinance entitled: "Ordinance No. 236-X Extending the Corporate Limits of Charlotte by Annexing thereto certain property" was introduced and read. Councilman Smith moved the adoption of the ordinance, which was seconded by Councilman Albea, and unanimously carried. The ordinance is recorded in full in Ordinance Book 11, at Pages 381-382.

HEARING IN CONNECTION WITH IMPROVEMENTS ON WEST FIFTH STREET AND MARLOWE AVENUE CONTINUED TO NOVEMBER 3RD, AFTER BOARD OF APPRAISERS REVIEW THEIR REPORT OF BENEFITS TO PROPERTY OWNERS.

At the scheduled hearing in connection with the improvements on West Fifth Street and Marlowe Avenue, Mayor Van Every advised that the Council has discussed the matter and has decided to request the Appraisers to review their report of benefits to the property owners and give the Council a written report of any changes they see fit to make, and then have a hearing on the question rather than have it today. He stated further that it is the thought and hope of the Council that the property owners will benefit by the postponement. That the Council has viewed the property on the two streets and has held a conference with the Appraisers and expressed their views to the Appraisers as to the amounts of the benefits to be assessed against the property owners. Mayor Van Every stated further that Council would be glad to hear anyone on the subject today if they so wished, however, a hearing would be held after the report is rendered by the Appraisers.

Mr. Ben Horack, Attorney representing property owners on West Fifth Street, stated he would prefer waiting if it will be just as effective with the Council. A majority of the interested persons present expressed the same preference. Mr. Edwin Bloom of Columbia, S. C. asked to be heard, and stated he owns property at 901, 903 and 905 West Fifth Street and had just completed remodeling the property when the street improvement was made, which cut back his property to the extent his houses are now right on the street. That the property owners did not request that the street be widen, and do not feel they have benefitted at all, and, in fact, now have a noisy thoroughfare, and he does not feel he should be required to pay the assessment recommended by the Appraisers.

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Mr. L. G. Hunter, 1012 West Fifth Street, advised that the steps and retaining walls to the properties in the 1000 block were not replaced, although he had the definite promise of the City Engineer that this would be done. He distributed pictures showing the present condition of properties fronting on the street.

Mr. A. T. Withrow, owner of property at the southeast corner of West Fifth Street, submitted a letter stating he signed a waiver for damages against the City for making the street higher than his property, because he felt the street would offset any damages, and if any assessment is placed against his property, he feels that damages in the same amount should be paid him.

Councilman Boyd moved that the hearing on both the West Fifth Street and Marlowe Avenue improvements be continued to Wednesday, November 3rd at 4 o'clock, p.m. The motion was seconded by Councilman Smith, and unanimously carried.

APPRAISERS REQUESTED TO REVIEW REPORTS ON WEST FIFTH STREET AND MARLOWE AVENUE, TAKING INTO CONSIDERATION THAT CERTAIN PROPERTY OWNERS DONATED THE RIGHT-OF-WAY FOR THE MARLOWE AVENUE IMPROVEMENTS, AND GIVE A WRITTEN REPORT TO COUNCIL.

Councilman Brown moved that the Appraisers be requested to review their reports on the improvements to West Fifth Street and Marlowe Avenue, taking into consideration that certain property owners on Marlowe Avenue donated the right-of-way for the improvements, and that the Appraisers make a written report to the Council of their recommendations. The motion was seconded by Councilman Smith, and unanimously carried.

RESOLUTION AUTHORIZING PERMANENT IMPROVEMENTS ON GOLD STREET AND ARGONNE DRIVE.

A resolution entitled: "Resolution Authorizing Permanent Improvements on Gold Street and Argonne Drive" was introduced and read, and upon motion of Councilman Baxter, seconded by Councilman Wilkinson, was unanimously adopted. The resolution is recorded in full in Resolutions Book 2, at Page 240.

RESOLUTION APPOINTING APPRAISERS IN CONNECTION WITH GOLD STREET AND ARGONNE DRIVE IMPROVEMENTS.

A resolution entitled: "Resolution Appointing Appraisers in Connection with Gold Street and Argonne Drive Improvements" was introduced and read. Councilman Baxter moved the adoption of the resolution, which was seconded by Councilman Wilkinson, and unanimously carried. The resolution is recorded in Resolutions Book 2, at Page 246.

HEARING FIXED FOR COUNCIL MEETING ON OCTOBER 13TH RELATIVE TO OPERATION OF KINDERGARTEN AT 410 EAST PARK AVENUE IN VIOLATION OF ZONING ORDINANCE.

Mr. Ernest S. DeLaney, Jr., Attorney representing property owners on East Park Avenue, appeared before Council and asked that legal action be taken by the City to stop the operation of a nursery school at 410 East Park Avenue, which is in direct violation of the usage in the Residence-2 Zone in which it is located. He stated his clients do not understand why a hearing should be held on the matter, when the Zoning Ordinance provides that such violation shall be settled by the Courts, and they request that legal action be taken by the City. Mrs. Ritch, resident of 400 East Park Avenue, stated that Mr. H. N. Sutton, head of the City's Building Inspection Department wrote Mrs. Haithcock on September 13th that the school was in violation of the Zoning Ordinance and asked that she cease operation of the school and a copy of his letter was sent to the City Manager and City Attorney.

It was explained that legal action was deferred by the Council when questions were raised as to the validity of the zoning provision which bans this type school in a Residence-2 Zone. The City Attorney stated that the Council received a letter from Mr. Paul Erwin, Attorney, requesting that the Zoning Ordinance be amended to include private schools; and as he

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did not wish to secure a temporary injunction, he delayed the matter at the direction of the Council. He pointed out that the operation of public and parochial schools, colleges and universities are permitted in Residence-2 Zones, but the kindergarten or nursery school is a private school operated for private gain.

Councilman Smith stated that in view of the remarks made by Mr. DeLaney and the City Attorney he moved that the matter be considered at the meeting on next Wednesday, October 13th. The motion was seconded by Councilman Wilkinson, and unanimously carried.

REQUEST OF S. D. WRIGHT FOR LICENSE TO OPERATE SHOOTING GALLERY AT 131 WEST TRADE STREET REFERRED TO CITY MANAGER FOR RECOMMENDATION.

Upon motion of Councilman Boyd, seconded by Councilman Smith, and unanimously carried, the request of Mr. S. D. Wright for a license to operate a Shooting Gallery at 131 West Trade Street for a period of eight months, after which the building was to be torn down, was referred to the City Manager for recommendation at the Council Meeting on October 13th.

REQUEST OF CANNON AIRPORT, INC. AND SOUTHERN FLIGHT SERVICE TO LEASE AIRPORT PROPERTY TO BE CONSIDERED AT COUNCIL MEETING ON OCTOBER 13th.

Councilman Boyd moved that the request of representatives of Cannon Airport, Inc., and Southern Flight Service to lease certain property at the Airport for the location of an additional fixed base operation be considered at the Council Meeting on October 13th. The motion was seconded by Councilman Albea, and unanimously carried.

RESOLUTION WITH RESPECT TO ACCEPTANCE OF DEED TO TREMONT AVENUE ROCK QUARRY.

A resolution entitled: "Resolution with Respect to Acceptance of Deed to Tremont Avenue Rock Quarry" was introduced by Councilman Smith. Following the reading thereof Councilman Smith moved its adoption, which was seconded by Councilman Baxter, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 246.

RESOLUTION ESTABLISHING POLICY FOR COLLECTOR OF REVENUE IN THE COLLECTION OF STREET BENEFIT ASSESSMENTS.

Councilman Dellinger introduced a resolution entitled: "Resolution Establishing Policy for Collector of Revenue in the Collection of Street Benefit Assessments" and moved its adoption. The motion was seconded by Councilman Baxter, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 247.

CONFERENCES REQUESTED HELD WITH BOARD OF COUNTY COMMISSIONERS AND MECKLENBURG REPRESENTATIVES TO THE LEGISLATURE WITH RESPECT TO LOCAL LEGISLATION TO BE PRESENTED THE GENERAL ASSEMBLY.

Councilman Brown congratulated Mayor Van Every on his action in preparing a list of legislative proposals to be considered for presentation to the General Assembly. He recommended that the Mayor schedule conferences in November with the Board of Commissioners of Mecklenburg County on such local legislation, and afterwards with the Mecklenburg Representatives to the Legislature for a discussion of the program. The motion was seconded by Councilman Smith, and unanimously carried.

CONSIDERATION OF PROPOSAL THAT BANKS BE REQUESTED TO RECEIVE PAYMENTS OF TRAFFIC VIOLATION FINES, FIXED FOR COUNCIL MEETING ON OCTOBER 13TH.

Councilman Smith stated that the payment of traffic violation fines at the Police Department was quite a problem due to parking conditions to accommodate the public; that The Municipal News carried an article on how the City of Baltimore has arranged with the Banks to act as collection stations for the payment of these fines, and he suggested that the system be adopted here, if the bankers are willing. He moved that consideration be given the proposal at the Council Meeting on October 13th. The motion was seconded by Councilman Boyd, and carried, with the votes cast as follows:

YEAS: Councilmen Baxter, Boyd, Dellinger, Smith and Wilkinson.

NAYS: Councilmen Albea and Brown.

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PETITION FOR TRAFFIC SIGNAL AT COMMONWEALTH AVENUE AND BRIAR CREEK ROAD
FILED AND SURVEY OF TRAFFIC AT INTERSECTION ORDERED.

Councilman Brown filed a petition from the Chantilly School P.T.A. bearing 101 signatures, requesting that a push-button type traffic signal be erected at Commonwealth Avenue and Briar Creek Road for the benefit of school children. He moved that a traffic survey of the intersection be made immediately and a report be made to the Council. The motion was seconded by Councilman Albea, and unanimously carried.

RESOLUTION PROVIDING FOR A PUBLIC HEARING ON OCTOBER 27TH IN CONNECTION
WITH ORDINANCE AMENDING BUILDING ZONE MAP FROM R-1 TO B-1 ON PROPERTY ON
INDEPENDENCE BOULEVARD UPON PETITION OF DWIGHT PHILLIPS.

Following the introduction of an Ordinance Amending the Zoning Ordinance to change the Building Zone Map from R-1 to B-1 on property on Independence Boulevard, upon petition of Mr. Dwight Phillips, a resolution was introduced entitled: "Resolution Providing for a Public Hearing on October 27, 1954, on Amendment to Zoning Ordinance". Councilman Dellinger moved the adoption of the resolution, which was seconded by Councilman Smith, and unanimously carried. The resolution is recorded in Resolutions Book 2, at Page 248.

CONTRACT WITH CHARLOTTE INVESTMENT COMPANY FOR INSTALLATION OF WATER MAINS
IN SELWYN PARK ADDITION NO. 6.

Motion was made by Councilman Albea, seconded by Councilman Smith, and unanimously carried, authorizing a contract with Charlotte Investment Company for the installation of 3,755-ft. of water mains and 3 fire hydrants, in Selwyn Park Addition No. 6, inside the city, to serve residential property, at an estimated cost of \$8,500.00. All cost to be financed by the City, and Applicant will guarantee a gross annual water revenue equal to 10% of the cost.

CONSTRUCTION OF SANITARY SEWER MAINS AUTHORIZED.

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

- (a) 486-ft. of mains in Crest and White Streets, at request of W. R. James, to serve 6 family units and 8 vacant lots, at an estimated cost of \$1,180.00. All cost to be borne by the City.
- (b) 318-ft. of mains in Cromwell Court, at request of Charles C. Lucas, to serve 4 family units and 5 vacant lots, at an estimated cost of \$800.00. All cost to be borne by the City.
- (c) 253-ft. of mains in June Street, at request of C. R. Sims, to serve one family unit and one vacant lot, at an estimated cost of \$170.00. All cost to be borne by the City.
- (d) 200-ft. of mains in Independence Boulevard West, at request of City Engineer, to serve properties before paving by State Highway Commission in Project #6565, at an estimated cost of \$650.00, to be borne by the City.
- (e) 370-ft. of mains in Independence Boulevard West, at request of City Engineer, to serve properties before paving by State Highway Commission in Project #6565, at an estimated cost of \$860.00, to be borne by the City.

CONSTRUCTION OF DRIVEWAY ENTRANCES APPROVED.

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

- (a) One 36-ft. driveway at 901 North Church Street.
- (b) One 31-ft. driveway at 2002 West Morehead Street.
- (c) Two 36-ft. driveways at 2100 Freedom Drive.

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REJECTION OF BIDS RECEIVED ON SEPTEMBER 28, 1954 ON ADDITIONS TO IRWIN CREEK SEWAGE TREATMENT PLANT, CONTRACT NO. 8.

Upon the recommendation of the City Manager and Project Engineers, Councilman Baxter moved that all bids received on September 28, 1954, on the Additions to the Irwin Creek Sewage Treatment Plant, Contract No. 8, be rejected as being excessively high. The motion was seconded by Councilman Brown, and unanimously carried.

CONTRACT AWARDED POUND & MOORE COMPANY FOR OFFICE AND BEDROOM FURNISHINGS FOR NEW FIRE STATION NO. 9.

Upon motion of Councilman Wilkinson, seconded by Councilman Baxter, and unanimously carried, contract was awarded Pound & Moore Company for a Schedule of 42 Items of Office and Bedroom Furnishings for Fire Station No. 9, all as specified, at a total price of \$1,588.74, subject to 2% cash discount.

CONTRACT AWARDED BLANKENSHIP BROS. FOR CONSTRUCTION OF STREET IMPROVEMENTS IN EUCLID AVENUE AND ROYAL COURT.

Motion was made by Councilman Albea, seconded by Councilman Baxter, and unanimously carried, awarding contract to the low bidder, Blankenship Brothers for the construction of Street Improvements on Euclid Avenue and Royal Court, all as specified, on a unit price basis, representing a total price of \$12,695.80.

CONTRACT AWARDED CONTRACTORS SERVICE, INC. FOR AIR COMPRESSOR.

Councilman Baxter moved that contract be awarded the low bidder, Contractors Service, Inc., for One Air Compressor, Schramm equipment, complete as specified, at a net delivered price of \$2,062.00, for the Cemeteries Department. The motion was seconded by Councilman Dellinger, and unanimously carried.

CONTRACT AWARDED NORTH CAROLINA EQUIPMENT COMPANY FOR HORIZONTAL DRILL.

Motion was made by Councilman Brown, seconded by Councilman Smith, and unanimously carried, awarding contract to the only bidder, North Carolina Equipment Company, for One Horizontal Drill complete, as specified, at a net delivered price of \$3,593.90, for the Water Department.

CONTRACT AWARDED FARM & INDUSTRIAL EQUIPMENT COMPANY FOR TRACTOR.

Councilman Smith moved that contract be awarded the low bidder, Farm & Industrial Equipment Company, for One Tractor, light type, equipped as specified, at a total price of \$2,039.00, subject to cash discount of \$39.00, or a net delivered price of \$2,000.00, for the Airport Department. The motion was seconded by Councilman Dellinger, and unanimously carried.

CONTRACT AWARDED NORTH CAROLINA EQUIPMENT COMPANY FOR TRACTOR WITH MOVING ATTACHMENT.

Upon motion of Councilman Smith, seconded by Councilman Baxter, and unanimously carried, contract was awarded the low bidder, North Carolina Equipment Company for One Tractor with Moving Equipment, as specified, at a net delivered price of \$1,380.00, for the Engineering Department.

CONTRACT AWARDED NORTH CAROLINA EQUIPMENT COMPANY FOR ROTARY BROOM ATTACHMENT.

Councilman Smith moved that contract be awarded North Carolina Equipment Company, for One Rotary Broom Attachment, as specified, at a net delivered price of \$635.00, for the Engineering Department. The motion was seconded by Councilman Baxter, and unanimously carried.

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CONTRACT AWARDED MITCHELL DISTRIBUTING COMPANY, INC. FOR TWO POWER LOADERS.

Motion was made by Councilman Dellinger, seconded by Councilman Albea, and unanimously carried, awarding contract to Mitchell Distributing Company, Inc., for Two Power Loaders, with cabs, as specified, at a total exchanged price of \$10,570.00, less cash discount of \$211.40, or a net delivered price of \$10,358.60, for the Engineering Department.

CONTRACT AWARDED CONTRACTORS SERVICE, INC. FOR PAVING BREAKER.

Councilman Wilkinson moved that contract be awarded the low bidder, Contractors Service, Inc., for One Paving Breaker, as specified, at a total price of \$270.00, less cash discount of \$2.70, or a net delivered price of \$267.30, for the Engineering Department. The motion was seconded by Councilman Dellinger, and unanimously carried.

CONTRACT AWARDED SOUTHERN PIPE TOOL COMPANY FOR TWO POWER BUCKET MACHINES.

Upon motion of Councilman Smith, seconded by Councilman Baxter, and unanimously carried, contract was awarded Southern Pipe Tool Company, for Two Power Bucket Machines, as specified, at a net delivered price of \$3,600.95, for the Engineering Department.

CONFIRMATION OF SALE OF TAX FORECLOSED PROPERTY ON NORTH TRYON STREET TO G. G. GALLOWAY, AGENT.

Motion was made by Councilman Dellinger, seconded by Councilman Baxter, and unanimously carried, confirming the sale at public auction on September 20, 1954, of tax foreclosed property on North Tryon Street and the Seaboard Railway, to Mr. G. G. Galloway, Agent, at the high bid of \$9,500.00.

SALVATION ARMY GRANTED PERMISSION TO PLACE KETTLE-HOUSE ON SIDEWALK TO RECEIVE DONATIONS FOR THEIR CHRISTMAS WORK.

Councilman Dellinger moved that the request of the Salvation Army be granted to place their kettle-house on the sidewalk at The Square, from November 26th through December 24th, to secure funds for their Christmas work. The motion was seconded by Councilman Baxter, and unanimously carried.

ADJOURNMENT.

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


City Clerk