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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, April 22, 1953, at 4 o'clock p.m. with Mayor Shaw presiding and Councilmen Albea, Baxter, Boyd, Coddington and Dellinger present.

Absent: Councilman Van Every.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Dellinger, seconded by Councilman Baxter, and unanimously carried, the Minutes of the last meeting on April 15th were approved as submitted.

NEGOTIATIONS FOR PURCHASE OF WATER LINES FROM OAKHURST LAND COMPANY AUTHORIZED.

Mr. Lee Heath appeared before the Council and requested that his company, the Oakhurst Land Company, be permitted to continue the operation of the water lines, and to tap onto them and extend them, located in the vicinity of Central Avenue, Shenandoah Avenue and Oakhurst Subdivision and not be restricted by the present regulations of the City or that the City purchase the lines at the actual construction cost of approximately \$12,000.00. He stated that the lines were laid in 1928 at the request of the Board of School Commissioners for Mecklenburg County when they erected Oakhurst School; that the Company had not intended laying a large size pipe line but did so at the request of Mr. W. E. Vest, at that time the Superintendent of the City's Water Department, so that they would be of sufficient size to be of service when the territory was taken into the City. That in 1945 he requested Mr. Vest to set forth the terms and conditions of their agreement regarding the lines. Mr. Vest's reply, dated August 14, 1945, was read to the Council, in which he stated that if and when the revenue from the lines amounted to 5% of the construction cost in any 12 months continuous period after the territory was taken into the City, the City would reimburse Mr. Heath the first costs without depreciation or interest. Mr. Heath stated that under the present policy of the City, if he extends the lines as he desires to do, the lines would automatically become the property of the City when the territory is annexed to the City. Therefore, he wishes to exercise his "birthright" or the "grandfather clause" of the previous commitment.

Councilman Dellinger moved that the City Manager negotiate with Mr. Heath for the purchase of his water mains and if they are unable to agree on a price within 30 days, acceptable to both Mr. Heath and the City Council, then Mr. Heath, because of his long standing working agreement with the Water Department, dating back some 25 years, shall be permitted to continue laying water main extensions to his present water mains, under the supervision and approval of the Water Department, without said extensions becoming the property of the City, if and when the City limits are extended and said mains lie within the new City limits. The motion did not receive a second, and was lost.

In the discussion, it was pointed out by Councilman Coddington that the purchase of these lines will open the door to the City having to purchase miles of lines lying outside the city limits, and that it is estimated by the City Manager that it will require the expenditure of some \$500,000.00 to pay for all of these lines.

Upon the inquiry of Councilman Boyd if the Council has the legal right to purchase water lines lying outside the City, Mr. John D. Shaw, City Attorney stated that the City may do so.

Councilman Dellinger then moved that the City Manager negotiate with Mr. Heath for the purchase of his water mains, and report the results to the City Council. The motion was seconded by Councilman Baxter, and unanimously carried.

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CONTINUED OPERATION OF DRESS SHOP IN RESIDENCE AT 1220 EAST BOULEVARD UNTIL DECISION MADE ON QUESTION OF ZONING, AUTHORIZED.

Mr. John Newitt appeared before Council representing Mrs. E. S. Fayssoux and her daughter, Mrs. Thelma F. Nabors, who operate a Dress Shop in their residence at 1220 East Boulevard. He advised that when he appeared before the Council in their behalf on last November 26th and advised that these ladies had been notified by the City that they were operating a business in an R-2 Zoning Area in violation of the Zoning Laws and asked for relief, the Council told him in substance to go right ahead with the Dress Shop operation. That now again these ladies have been asked by Mr. Sutton, Chief Building Inspector, what their plans are for closing the shop. Mr. Newitt cited the numerous business establishments in the same area, and urged the Council to order the withdrawal of the threat of a suit against Mrs. Fayssoux and Mrs. Nabors to close the shop.

Mr. Yancey, City Manager, stated that Mr. Newitt was advised last fall that the operation of the Shop was in strict violation of the usage of an R-2 Zoning area, and that months have gone by and no apparent effort has been made for closing the shop, and now the City is faced with requests for permission to erect similar businesses in the area. He further stated that it is incumbent upon the Council to either amend the zoning laws to accommodate the Dress Shop, have Mr. Newitt apply to the Zoning Board of Adjustment for a change in zoning, or the Council can instruct him to violate the law and permit the continued operation of the shop, and he will do so.

Councilman Boyd moved that the Ladies be permitted to continue to operate the Dress Shop until some decision is made on the zoning question. The motion was seconded by Councilman Baxter, and unanimously carried.

APPOINTMENT OF GEORGE C. POTTER TO AUDITORIUM-COLISEUM AUTHORITY.

Upon motion of Councilman Baxter, seconded by Councilman Albee, and unanimously carried, Mr. George C. Potter was appointed as a member of the Auditorium-Coliseum Authority for a term of five years from April 25, 1953.

INCREASE OF SALARY OF R. S. PHILLIPS, WATER DEPARTMENT CHEMIST, AUTHORIZED.

Councilman Baxter stated that in view of the fact that the City Manager has advised that Mr. R. S. Phillips, Water Department Chemist, has received two bona fide offers for his services at salaries in excess of that being paid him by the City, and because it is considered unwise for the City to lose his services for the difference in his present salary and that offered him, that he moved that the salary of Mr. Phillips be increased to \$6,500.00 per annum, beginning as of May 1, 1953. The motion was seconded by Councilman Boyd, and unanimously carried.

DUKE POWER COMPANY OFFICIALS, IN CONFERENCE ON APRIL 19, 1953, AGREES TO EXTEND BUS LINES INTO AREAS OF ASHLEY PARK, MERRY OAKS, BELVEDERE HOMES, COMMONWEALTH AVENUE AND EASTWAY DRIVE.

Councilman Boyd moved that the Clerk record in the Minutes of this meeting the action taken on Monday night, April 19, 1953, by the Duke Power Company officials in conference with the City Council, that they agree to extend their bus lines into the areas of Ashley Park, Merry Oaks, Belvedere Homes, Commonwealth Avenue and Eastway Drive, and to put these lines into operation as soon as possible. The motion was seconded by Councilman Baxter, and unanimously carried.

COUNCILMAN BOYD ABSENT FOR REMAINDER OF MEETING.

Councilman Boyd left the meeting at this time and was not present for the remainder of the session.

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RESOLUTION FIXING DATE OF HEARING ON AMENDMENT TO ZONING ORDINANCE TO CHANGE CLASSIFICATION ON EAST SIDE OF EASTWAY DRIVE FROM WOODLAND AVENUE SOUTH TO INDEPENDENCE BOULEVARD.

An ordinance entitled: "Ordinance No. 176 Amending the Zoning Ordinance", to change the Building Zone Map from R-2 to R-1 on the east side of Eastway Drive, from Woodland Avenue south to Independence Boulevard, was introduced. Following the reading thereof, a resolution entitled: "Resolution Providing for a Public Hearing on the Amendment to the Zoning Ordinance", on May 27th, was presented and read. Upon motion of Councilman Albea, seconded by Councilman Baxter, and unanimously carried, the resolution was adopted. The resolution is recorded in full in Resolutions Book 2, at Page 83.

PURCHASE OF RIGHTS-OF-WAY FOR EXTENSION OF WEST FIFTH STREET.

Upon motion of Councilman Baxter, seconded by Councilman Dellinger, and unanimously carried, the purchase of the following property for right-of-way for the extension of West Fifth Street was authorized:

- (a) Two strips of land, separated by a 10-foot alley, along the northeasterly margin of West Fifth Street, and along the northwesterly margin of Andrill Terrace, from J. C. Brookshire, Jr. and wife, B. B. Brookshire and wife, and Stanford R. Brookshire and wife, for the total sum of \$7,500.00.
- (b) Triangular parcel of land off of lot at 1424 West Fifth Street, from Charles H. Shute, Jr. and Vivian S. Washington and husband, for the total sum of \$4,000.00.

TRANSFER OF FUNDS FROM TRAFFIC ENGINEERING DEPT. CAPITAL OUTLAY, AND FROM EMERGENCY FUND, TO TRAFFIC ENGINEERING DEPT. MAINTENANCE OF TRAFFIC SIGNALS ACCOUNT.

Motion was made by Councilman Baxter, seconded by Councilman Albea and unanimously carried, authorizing the transfer of \$2,000.00 from the Traffic Engineering Department, Capital Outlay Account, Code 1518-G-53, and \$2,000.00 from the Emergency Fund, Code 110, to the Traffic Engineering Department, Maintenance Division of Street Lighting and Traffic Information, Code 518-B-57 for Maintenance of Traffic Signals.

SUBDIVISION PLATS APPROVED.

Upon motion of Councilman Dellinger, seconded by Councilman Albea, and unanimously carried, the following subdivision plats were approved:

- (a) Industrial Project Development of J. A. Jones Construction Company, consisting of 200 acres, located between Sugaw Creek, Sugaw Creek Road, Southern Railway main line and Creosote Road.
- (b) Portion of Myers Park Subdivision, by E. C. Griffith Co., property located between Freedom Park, East Boulevard, and Wellesley Avenue.
- (c) Colonial Village Subdivision, by John Crosland Company, property located between Scaleybark Road, Shawnee Springs Subdivision and Selwyn Farms.

CONSTRUCTION OF SANITARY SEWER MAINS AUTHORIZED.

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

- (a) 413 feet of 8 inch mains in Park Road, at an estimated cost of \$1,000.00, to serve 5 family units, at request of J. T. Magher, 3419 Park Road. All costs to be borne by the City.

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- (b) Alterations and additions to mains required in opening of West Fifth Street, at an estimated cost of \$3,445.00. All costs to be borne by the City.

CONSTRUCTION OF DRIVEWAY ENTRANCE APPROVED.

Councilman Alba moved approval of the construction of a 15-foot driveway entrance at 1615 Elizabeth Avenue. The motion was seconded by Councilman Baxter, and unanimously carried.

CONTRACTS AWARDED FOR SUGAW CREEK SEWAGE TREATMENT PLANT IMPROVEMENTS AND EXTENSIONS.

Upon motion of Councilman Baxter, seconded by Councilman Dellinger, and unanimously carried, contracts were awarded for improvements and extensions to the Sugaw Creek Sewage Treatment Plant, as follows:

- (a) Contract for the General Construction, Piping and Equipment, awarded to V. B. Higgins Company, on the basis of Item III of their bid, plus Alternates Nos. 1 and 4, at \$1,283,370.00.
- (b) Contract for the Plumbing Work, to J. V. Andrews Company at \$4,998.00.
- (c) Contract for the Heating & Ventilating Work, to J. V. Andrews Company, at \$6,297.00.
- (d) Contract for the Laboratory Furniture, to Kewaunee Manufacturing Company, at \$7,920.45.
- (e) Contract for Laboratory Equipment, to Central Scientific Company, at \$3,464.05.
- (f) Contract for Electrical Work, to B. F. Todd on the basis of their base bid plus Alternates Nos. 1, 3 and 4, at \$24,744.00.

RESOLUTION RELATIVE TO THE ABANDONMENT OF STREETS IN DOWD PLACE FROM THE RIGHT OF THE CITY OF CHARLOTTE TO USE SAME FOR STREET PURPOSES.

A resolution entitled: "Resolution Relative to the Abandonment of Streets in Dowd Place from the Right of the City of Charlotte to Use Same for Street Purposes", was introduced and read, and upon motion of Councilman Baxter, seconded by Councilman Dellinger, and unanimously carried, the resolution was unanimously adopted. The resolution is recorded in full in Resolutions Book 2, at Page 84.

EASEMENT OVER LAND ADJOINING DOUGLAS MUNICIPAL AIRPORT GRANTED E. O. HUDSON AND T. A. FREEMAN FOR INGRESS AND EGRESS TO RESIDENTIAL PROPERTY OWNED BY THEM.

Upon motion of Councilman Dellinger, seconded by Councilman Baxter, and unanimously carried, an easement was granted to Mr. E. O. Hudson and wife, and Mr. T. A. Freeman and wife, over land adjoining the Douglas Municipal Airport, for ingress and egress to their residential property, as requested by them and recommended by the City Manager and City Attorney.

CITY MANAGER REQUESTED TO INVESTIGATE AND REPORT ON REQUESTS FOR THE INSTALLATION OF TRAFFIC SIGNALS.

Councilman Coddington urged that a traffic signal be installed at East Boulevard and Dilworth Road, West, which he stated was badly needed for school children.

Councilman Dellinger requested the installation of a Caution Signal at Stevens Street and East Tenth Street.

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The City Manager was requested to investigate these requests and report to the Council at its next meeting.

ADJOURNMENT.

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

City Clerk