

A regular meeting of the City Council was held in the Council Chamber, City Hall, at 11 o'clock a.m., on Wednesday, February 1, 1950, with Mayor Shaw presiding, and Councilmen Aitken, Boyd, Coddington, Daughtry, Jordan and Wilkinson present.

Absent: Councilman Albea.

INVOCATION.

The invocation was given by Councilman Douglas Aitken.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Aitken, and unanimously carried, the minutes of the last meeting on January 25th were approved as submitted.

ORDINANCE (No. 91) AMENDING ZONING ORDINANCE ADOPTED.

Mayor Shaw stated the hearing would be held in connection with the adoption of an Ordinance (No. 91) to Amend the Zoning Ordinance by changing the Building Zone Map from an R-1 to a B-1 district on properties near the intersection of Fugate Avenue and Independence Boulevard, in Echo Hill Development, as advertised.

No objections were expressed to the proposed zoning change. Whereupon, Councilman Boyd moved the adoption of the ordinance. Motion was seconded by Councilman Wilkinson, and unanimously carried. The ordinance is recorded in full in Ordinance Book 11, at Page 108.

ORDINANCE (No. 92) TO REZONE 24-ACRE TRACT ON CAMBRIDGE ROAD AND OTHER STREETS WITHIN AREA, REQUESTED BY PAUL R. YOUNTS, WITH DRAWN UPON HIS REQUEST.

The Mayor announced the scheduled hearing on the adoption of an Ordinance (No. 92) to Amend the Zoning Ordinance by changing the Zoning Map from an R-1 to R-2 district on a 24-tract of land on Cambridge Road and adjacent streets in the Sedgefield Development, as recommended by the Zoning Board of Adjustment upon the request of Mr. Paul R. Younts.

Mr. Handy Dockery, representing Mr. Younts, requested that the zoning change be approved as unanimously recommended by the Zoning Board of Adjustment. He stated the type of dwelling units to be erected would be in keeping with the existing type of houses within the area.

Mr. Younts presented a map of the 24-acre area, stating that single family dwellings would be erected on each side of Meadow Road and duplexes and apartments in the remaining area. He advised that Cambridge Road would be widened and it, together with Guilford Road, Sunset Drive and Meadow Road, would be paved and gutters constructed at the expense of his company. He advised he had received 500 applications for the rental of the units, mainly from Veterans, who wished to live in a most desirable location. At his request, a large number of citizens present expressed approval of the proposed construction.

Mr. Marcus Hickman, Attorney and resident of 940 Sedgefield Road, which he stated is immediately adjacent to the area in question, presented a petition signed by 303 persons, residing within 300 to 500 feet of the tract requested rezoned, who opposed the development of duplexes and apartments in the R-1 area, and requested that the zoning change not be approved by Council. He further stated the residents of the area paid more for their homes because it was an R-1 section, and they believed it should so remain; that nearly 100 percent of the persons own their homes, and the majority of them are Veterans who deserve some consideration.

Mr. Spencer Bell, Attorney representing residents of the area who opposed the zoning change, stated the question is not what type dwellings will be erected, that once the change is approved by Council the developer may construct any type dwelling units he desires. That spot zoning defeats the purpose of zoning, whose main purpose is to assure the stability of any given urban area. He stated the Minutes of the Zoning Board of Adjustment discloses the facts in the case were misrepresented to them in that the applicants for the zoning change stated a majority of the property owners within the area desired the change. Mr. Bell stated Mr. Younts has not purchased the tract he proposes to develop but merely holds an option on it, therefore, he has no right to request a change in zoning without actually owning the property. Mr. Bell called attention to the provision of the Zoning Law that where 20% of the adjacent property owners file a petition opposing the change, a three-fourth affirmative vote of the Council must be cast to effect the change. He stated the total rearage is 4,375 feet, one-fifth of which is 875 feet, that persons who have signed the petition opposing the change represent 1,604 feet, or nearly 40 percent. That 303 protestors have signed the petition; therefore he requested that the 20% opposition be recognized and the zoning change be voted on by the Council on this basis.

Mr. Dockery stated that Mr. Younts was unaware that more than 20 percent of the frontage had signed a petition opposing the change; therefore, he wished to withdraw the requested change in zoning.

Mr. Younts stated he did not realize the residents of the area opposed the change to so great an extent; that he did not desire to go against their wishes in the matter, and the area would be developed with single family dwellings, which he hoped the residents would like.

REPRESENTATIVE OF ANSONIA ELECTRICAL COMPANY PROTESTS AWARD OF CONTRACT FOR WIRE AND CABLE FOR NEW FIRE ALARM SYSTEM.

Mr. H. G. Burd, representing the Ansonia Electrical Company, stated the specifications for Wire and Cable for the new Fire Alarm System were so written as to permit dual interpretation in that they called for a rubber type insulated wire "or equal"; therefore, his Company had submitted a bid on a plastic insulated wire, which is \$1,635.86 lower than the bid on rubber covered wire insulated with neoprene, for which award of contract is recommended. Mr. Burd explained in detail the merits of the plastic covered wire.

Mr. C. E. Beatty, Purchasing Agent, explained the City's method of writing specifications including the "or equal" clause to meet State requirements. He stated the rubber type insulated wire is believed to best serve our needs and is preferred by the Chief of the Fire Department and his engineers after a full and complete study of all types.

At the request of Mr. Beatty, Mr. Andy Wynn, representing the American Steel and Wire Company, manufacturers of both types of wire, explained the difference in the types in question, and stated he believes the neoprene type best suited for overhead wiring.

Mr. Yancey, City Manager, stated the plastic wire covering has not been approved by the I.M.S.A., upon whom we depend for technical advice in such matters, and in fact the Company represented by Mr. Burd now has pending before the I.M.S.A. an application for the approval of plastic wire covering.

ORDINANCE (NO. 94) REASSESSING PROPERTY ON MECKLENBURG AVENUE ADOPTED.

An Ordinance (No. 94) entitled, "An Ordinance Re-Assessing Property On Mecklenburg Avenue", was introduced and read, and upon motion of Councilman Aitken, seconded by Councilman Wilkinson, unanimously carried. The Ordinance is recorded in full in Ordinance Book 11, at Page 109.

TREE REMOVAL APPROVED AT 1314 CARLTON A VENUE.

Upon motion of Councilman Aitken, seconded by Councilman Jordan, and unanimously carried, the removal of a tree from the planting strip at 1314 Carlton Avenue, to permit the construction of a driveway, was approved.

BEVERLY AVENUE AND MATHIS DRIVE TAKEN OVER FOR LIMITED MAINTENANCE.

Motion was made by Councilman Daughtry, seconded by Councilman Wilkinson, and unanimously carried, authorizing taking over the following streets for limited maintenance:

Beverly Drive, from Florida Avenue to Alabama Avenue.

Mathis Drive, from Coker Avenue to Parkway Avenue.

WINTER AND HUDSON STREETS TAKEN OVER FOR MAINTENANCE.

Upon motion of Councilman Aitken, seconded by Councilman Wilkinson and unanimously carried, the following streets were taken over for maintenance:

Winter Street, from Mecklenburg Avenue south approximately two blocks to end of present maintenance.

Hudson Street, between 34th Street and Matheson Avenue.

CONSTRUCTION OF NEW SANITARY SEWERS IN COUNTRY CLUB LANE AND BROOKLYN LANE AUTHORIZED.

Construction of new sanitary sewers at the following locations were approved upon motion of Councilman Jordan, seconded by Councilman Aitken, and unanimously carried:

- (a) Contract with S. T. Henderson for 270-feet of 8-inch sewers in Country Club Lane, to serve one family unit and one vacant lot, at an estimated cost of \$450.00, and applicant's deposit of \$250.00 to be refunded in accordance with the terms of the contract.
- (b) Construction of 140 feet of 8-inch sewer in Brooklyn Lane, at the City's expense, to serve four family units, at an estimated cost of \$370.00.

CURB CUT AT 1020 ELIZABETH AVENUE APPROVED.

Upon motion of Councilman Aitken, seconded by Councilman Daughtry, and unanimously carried, an additional 12-foot curb cut to the present 14-foot cut at 1020 Elizabeth Avenue was authorized.

PLAT OF GRAHAM HEIGHTS SUBDIVISION APPROVED.

Councilman Wilkinson moved that Plat of Graham Heights Subdivision be approved, as recommended by the Planning Board. Motion was seconded by Councilman Aitken, and unanimously carried.

SUPPLEMENTARY CONTRACT WITH BLYTHE BROS. COMPANY FOR STREET REPAIRS.

Upon motion of Councilman Coddington, seconded by Councilman Aitken, and unanimously carried, a supplementary contract, to contract dated August 17, 1949 for repairs to pavement due to construction of Sugaw Creek Outfall Sewer, on a unit price basis, was authorized with Blythe Bros. Co., in the amount of \$3,775.34.

CONTRACT WITH MILL POWER SUPPLY COMPANY FOR WIRE AND CABLE FOR FIRE ALARM SYSTEM.

Motion was made by Councilman Daughtry, seconded by Councilman Aitken, and unanimously carried, authorizing a contract with Mill Power Supply Company for Seven Items of Wire and Cable for the Fire Alarm System, on a unit price basis, representing a total amount of \$21,896.31, subject to cash discount of \$110.90.

CONTRACT WITH MILL POWER SUPPLY COMPANY FOR POLE LINE EQUIPMENT FOR NEW FIRE ALARM SYSTEM.

Councilman Jordan moved approval of a contract with Mill Power Supply Company for 22 Items of Pole Line Equipment for the new Fire Alarm System, on a unit price basis, at a total price of \$4,537.38, subject to \$41.93 cash discount. Motion was seconded by Councilman Wilkinson, and unanimously carried.

CONTRACT WITH THE GAMEWELL COMPANY FOR VOICE RECORDING EQUIPMENT FOR RADIO AND TELEPHONE.

Upon motion of Councilman Aitken, seconded by Councilman Jordan, and unanimously carried, contract was authorized with The Gamewell Company for Voice Recording Equipment for Radio and Telephone, completely installed, at a net delivered price of \$2,216.00. Upon the inquiry of Councilman Daughtry if the bid of The Gamewell Company was the low bid, the City Manager advised it was the third lowest bid, the two lower bids did not meet the specifications.

CONTRACT AWARDED MODERN ELECTRIC & SUPPLY COMPANY FOR ONE SECONDARY ELECTRIC POWER SOURCE.

Councilman Aitken moved that contract be awarded Modern Electric & Supply Company for One Secondary Electric Power Source, completely installed, at a net delivered price of \$1,850.00. Motion was seconded by Councilman Jordan, and unanimously carried. The City Manager advised that the lowest bid of \$1,132.00 did not meet the specifications.

CONTRACT AWARDED LYNCHBURG FOUNDRY COMPANY FOR CAST IRON PIPE.

Upon motion of Councilman Aitken, seconded by Councilman Jordan, and unanimously carried, contract was awarded Lynchburg Foundry Company for 58,000 feet of Cast Iron Pipe, on a unit price basis, at a net delivered price of \$101,560.00.

CONTRACT AWARDED GLAMORGAN PIPE & FOUNDRY COMPANY FOR CAST IRON PIPE FITTINGS.

Motion was made by Councilman Aitken, seconded by Councilman Wilkinson, and unanimously carried, awarding contract to Glamorgan Pipe and Foundry Company, for Schedule of Cast Iron Pipe Fittings on a unit price basis, representing a net delivered price of \$6,172.50.

CONTRACT AWARDED GRINNELL COMPANY, INC. FOR WROUGHT IRON PIPE.

Upon motion of Councilman Coddington, seconded by Councilman Jordan, and unanimously carried, contract was awarded Grinnell Company, Inc., for 30,000 feet of Wrought Iron Pipe, on a unit price basis, representing a total of \$10,603.50, subject to cash discount of \$199.08.

CONTRACT AWARDED CRAWFORD SPRINKLER COMPANY, FOR COPPER TUBING.

Motion was made by Councilman Wilkinson, seconded by Councilman Aitken, and unanimously carried, authorizing contract with Crawford Sprinkler Company for 15,000 feet of Copper Tubing, on a unit price basis, at a net delivered price of \$3,486.00.

CONTRACT AWARDED GRINNELL COMPANY, INC. FOR GATE VALVES.

Upon motion of Councilman Daughtry, seconded by Councilman Coddington, and unanimously carried, contract was awarded Grinnell Company, Inc., for 215 Gate Valves, on a unit price basis, representing a total of \$10,085.75, subject to cash discount of \$201.72.

CONTRACT AWARDED DEWEY BROS. INC. FOR VALVE BOXES.

Upon motion of Councilman Aitken, seconded by Councilman Wilkinson, and unanimously carried, contract was awarded Dewey Bros. Inc., for 260 Valve Boxes, on a unit price basis, representing a total price of \$1,521.00, subject to cash discount of \$7.60.

BIDS ON FIRE HYDRANTS REJECTED.

Upon motion of Councilman Aitken, seconded by Councilman Wilkinson, and unanimously carried, all bids received on Fire Hydrants on January 27th were rejected, as recommended by the City Manager, and same was authorized re-advertised on a revised and clarified specification.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed to Charles L. Caldwell, for Lot 283, in Section 3, Evergreen Cemetery, at \$81.90.
- (b) Deed to Francis T. Scruggs, Sr., for Lot 167, Section 3, Evergreen Cemetery, at \$104.00.
- (c) Deed to Walter E. Davis, for Lot 378, Section 4-A, Evergreen Cemetery, at \$81.90.
- (d) Deed to Curtis B. Johnson and Wife, Mrs. Irving H. Johnson, transferred from W. J. Scoggins and wife, for Lot 43, in Section L-Annex, Elmwood Cemetery, at \$1.00 for transfer.

TRANSFER OF TAXICAB FRANCHISE FROM FRED C. ALLEN TO H. L. JOHNSON.

Mr. Fred C. Allen stated he is the owner of a car which he operates as a taxicab for Victory Cab Company and wishes to go out of the cab business, therefore, requested permission to sell the taximeter, governor and lights from his car at cost to Mr. H. L. Johnson. He stated he was not selling his car, just the equipment specified. Mr. Johnson advised he now operates a taxi and wishes to purchase the equipment from Mr. Allen to be placed on another car for operation as a taxi.

Mr. H. G. Cleveland, Taxicab Inspector, stated it is satisfactory for Mr. Allen to sell the equipment from his cab, if he so desires, but if the franchise is involved in the deal, that the proper papers should be prepared for Council approval as Mr. Allen's franchise cannot be transferred.

Following the discussion, Councilman Boyd moved that the taxicab franchise issued to Mr. Allen be transferred to Mr. Johnson. Motion was seconded by Councilman Wilkinson, and unanimously carried.

UNANIMOUS CONSENT GIVEN PRESENTATION OF UNDOCKETED ITEMS.

Upon motion of Councilman Jordan, seconded by Councilman Aitken, the unanimous consent of Council was given the City Manager to present the following three undocketed items.

REQUEST OF JOHN CROSLAND FOR ANNEXATION OF AREA TO CITY REFERRED TO CITY ATTORNEY FOR PREPARATION OF NECESSARY DOCUMENTS.

The request of Mr. John Crosland that the Council take into the city limits an 82-acre tract of land north of Wilkinson Boulevard, south of Cannon Airport and beyond the corporate limits of the city on the western edge, was referred to the City Attorney to draw the necessary papers.

SETTLEMENT OF CLAIM OF MARCELLUS GHOLSTON.

Upon motion of Councilman Aitken, seconded by Councilman Wilkinson, and unanimously carried, the claim of Marcellus Gholston for personal injuries was authorized settled at \$400.00, as recommended by the City Attorney.

CLAIM OF WILLIE MAE PORTER SETTLED.

Motion was made by Councilman Aitken, seconded by Councilman Jordan, and unanimously carried, authorizing the settlement of the claim of Willie Mae Porter for personal injuries, at \$277.00, as recommended by the City Attorney.

MAYOR FILES OBJECTIONS TO PURCHASE OF HIGHER PRICED PARKING METERS AND EXECUTION OF CONTRACT THEREFOR.

Mayor Shaw presented the following statement for the record:

"Had I been present at last week's Council Meeting, I would have voiced my protest against the purchase of certain parking meters at a higher price than those the City has been using and had been recommended by those men employed by the City to advise us on the purchase of such items. Inasmuch as my duties as Mayor require me to sign the contract for these parking meters, the Council having voted to purchase them, and not having had an opportunity previously to go on record as objecting to this purchase - I cannot sign the contract without a record being made of the fact that I signed it with this statement being made a part of the Minutes of the Meeting today, Wednesday, February 1, 1950."

RECONSIDERATION OF PURCHASE OF PARKING METERS FROM DUNCAN PARKING METER COMPANY AND MICHEALS ART BRONZE COMPANY DENIED.

By and with the unanimous consent of the Council, Councilman Coddington moved the reconsideration of the purchase of 400 Parking Meters on January 25th from the Duncan Parking Meter Company and Micheals Art Bronze Company. He stated there had been so much comment on the purchase, that probably the former bids should be discarded and bids received on a cheaper meter, which can certainly be purchased. Motion was seconded by Councilman Aitken, and did not carry, with the votes cast as follows:

AYE: Councilmen Aitken and Coddington.

NAY: Councilmen Boyd, Daughtry, Jordan and Wilkinson.

COUNCILMAN BOYD FILES OBJECTIONS TO PROPERTY REVALUATION SURVEY AS APPROVED BY CITY AND COUNTY.

The following statement was made to Council by Councilman Boyd:

"At the recent joint meeting of the City Council and the County Commissioners for the purpose of deciding the Property Revaluation Program everybody present seemed to have made up their minds and seemed to be in favor of the program but I. I stated then that I doubted the wisdom of this move as the two Boards were planning to proceed. I did not vote for or against the motion which was adopted to employ some out-of-town experts at a cost of \$350,000. Since I did not vote in that joint meeting against this motion, I assume I was recorded as voting for it. Since a Committee was appointed from the two Governing Boards to make a contract with some experts to do this job, and since that contract has not yet been made, I want to go on record here as being opposed to the City proceeding any further with such a contract. I think we would be wise to re-consider this matter. I believe \$350,000.00 is too much to pay for this thing in the first place, and I think this revaluation and adjustment of property values can better be done by and through the plan proposed a few days ago by Mr. Frank Jones. I am afraid of the outside experts we are planning to deal with. I believe the three men referred to by Mr. Jones, that is, Mr. Grier, and Mr. Vaughn Hawkins of the County and Mr. Jim Armstrong of the City, could and would do this job more satisfactorily than outsiders, and at much less expense. There are many thousands of dollars worth of property, both real and personal, which should be added to the tax books in this City and County, but this revaluation business can ruin a lot of average home owners and small businesses unless it is handled carefully, and I am afraid to trust this thing to the mechanical

scales used by the outside experts. Since no contract has been made, we can re-consider this matter. I want to go on record against the plan of revaluation as now contemplated."

ADJOURNMENT.

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

City Clerk