

A regular meeting of the City Council was held in the Council Chamber, City Hall, at 11 o'clock a.m., on Wednesday, January 25, 1950, with Mayor Shaw presiding, and Councilmen Aitken, Albea, Boyd, Coddington, Daughtry Jordan and Wilkinson present.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTE APPROVED.

Upon motion of Councilman Aitken, seconded by Councilman Albea, and unanimously carried, the minutes of the last meeting, on January 18th, were approved as submitted.

MAYOR PRO TEM PRESIDES FOR REMAINDER OF MEETING.

Mayor Shaw left the meeting during the discussion of the following item relative to rezoning of property on Vernon Drive, and Mayor pro tem Aitken presided for the remainder of the meeting.

ORDINANCE (NO. 88) TO AMEND THE ZONING ORDINANCE TO CHANGE THE ZONING ON PROPERTY ON VERNON DRIVE DENIED.

The hearing was held, as advertised, in connection with the adoption of an Ordinance To Amend the Zoning Ordinance by changing the Building Zone Map from a Residence-1 area to a Residence-2 on Lots 1-6 in Block 21 of Vernon Drive, Pharr Acres, as requested by Mr. Lee Heath and disapproved by the Zoning Board of Adjustment.

Mr. Heath stated the property was acquired jointly by himself and Mr. Fred Wiggins, as Central Builders, Inc., in June 1948, and was outside the city limits at that time. That he purchased Mr. Wiggins share of the property in 1949. That the property consists of approximately two acres, and he wishes to erect duplex housing thereon, composed of fourteen housing units; that the Building Inspection Department has stated the area is sufficient to allow the construction of forty-one housing units. Mr. Heath pointed out that the adjacent single family residences are not in close proximity to the site of the proposed construction, and the duplexes could not, therefore, affect the present residents objectionably. He further stated he was willing for the City to restrict the construction of more than the proposed fourteen units, or he will furnish a bond to that effect, or have such restriction to the property recorded in any legal manner the City Attorney may suggest.

Mr. John Small, representing adjoining property owners whom he stated are in excess of 20 percent of the residents adjacent to the area in question, stated the deeds as recorded indicate the property was acquired by Central Builders, Inc., on May 15, 1948 and recorded on May 21, 1948, and acquired by Mr. Heath from Central Builders on August 3, 1949 and recorded on the same date. That Mr. Heath purchased the property in 1948 after it had been voted into the City, knowing it was contiguous to a high-priced single family area that would be classified as a Residence-1 zone, and, therefore, he has no moral right to request a rezoning that will devalue the property that was at that time within the area. Mr. Small further stated he questioned the legality of creating a spot-zone that does not conform to the general plan for the area, nor contribute to its growth and general welfare. He advised that in order for Mr. Heath not to lose on his investment that a purchaser of his property will be found, if Mr. Heath will sell.

Mr. Heath stated he was not interested in the sale of his property, and particularly so at this time.

Mr. Robert Lassiter, representing Mr. Heath, voiced disagreement that the rezoning is illegal; that it is not spot-zoning, but merely the

addition of housing within a residential area; that the units proposed to be constructed by Mr. Heath are in keeping with the residential character of the area, as they will not constitute a nuisance nor vary widely from the existing property.

Mr. John D. Shaw, City Attorney, advised the Council they have the authority to rezone any area within the city but not with restrictions.

Councilman Wilkinson moved the adoption of the Ordinance Amending the Zoning Ordinance rezoning the property on Vernon Drive from R-1 to R-2, subject to the restrictions that may be worked out by the City Attorney and Mr. Heath. Motion was seconded by Councilman Coddington, and was lost on the required three-fourths vote of the entire Council, with the votes cast as follows:

AYE: Councilmen Boyd, Coddington, Daughtry, Jordan and Wilkinson.
NAY: Councilman Albea.

REQUEST OF A. T. WITHROW TO TAP ONTO AIRPORT WATER AND SEWER LINES DENIED.

The City Manager submitted a request from Mr. A. T. Withrow that he be permitted to tap onto the Airport sewer and water lines, to service a residential development consisting of 45 houses, which he proposes to construct on the former Morris Field Reservation near Jackson Homes. Following the discussion, in which it was pointed out that the development will be outside the city limits and the Airport area could be affected by the lack of sufficient water from the city's system, Councilman Wilkinson moved that a contract be authorized with Mr. Withrow to tap onto the lines, as requested. Motion was seconded by Councilman Boyd, and was lost, with the votes cast as follows:

AYE: Councilmen Boyd, Jordan and Wilkinson.
NAY: Councilmen Albea, Coddington and Daughtry.

Mayor pro tem Aitken voting "NAY".

PARK & RECREATION COMMISSION'S BUDGET (SCHEDULE "B") OF REMAINING BOND ISSUE FUNDS APPROVED.

Councilman Daughtry moved approval of the Budget submitted as Schedule 'B' by the Park and Recreation Commission covering the \$509,000.00 remaining in the \$1,000,000.00 Bond Issue. Motion was seconded by Councilman Jordan, and unanimously carried.

CURB CUTS APPROVED.

Upon motion of Councilman Wilkinson, seconded by Councilman Albea, and unanimously carried, the following curb cuts were authorized:

- (a) One 10-foot cut at 1409 The Plaza.
- (b) One 5-foot addition to present 9-foot cut at 1112 Pegram St.

CONSTRUCTION OF NEW SANITARY SEWER TRUNK AND SEWER MAIN IN CRESCENT AVENUE EXTENSION, GRIER HEIGHTS, AUTHORIZED.

Motion was made by Councilman Albea, seconded by Councilman Jordan and unanimously carried, authorizing the construction of a trunk sewer 2,049 feet long and 8-inch sewer mains 11,292 feet in Crescent Avenue Extension, Grier Heights, at an estimated cost of \$30,580.00, to serve 171 housing units. All construction costs to be borne by the City.

PLATS OF SUBDIVISION AND STREET APPROVED.

Councilman Albea moved approval of the following plats, as recommended by the Planning Board. Motion was seconded by Councilman Wilkinson, and unanimously carried:

- (a) Plat of Medford Acres Subdivison, located on the southerly side of Albemarle Road, owned and being developed by L. A. Barnes, 1609 Parkwood Avenue.
- (b) Plat of Gesco Street, being a 50-foot strip of land between Tuckaseege Road and State Street, owned by the P & N Realty Company, which they desire to dedicate as a public street.

SUB-LEASE OF BUILDING NO. 92 AT AIRPORT BY DEAN ELLIS, LESSEE, TO SHELL OIL COMPANY, APPROVED.

Upon motion of Councilman Coddington, seconded by Councilman Albea, and unanimously carried, the sub-lease of Building No. 92 at the Airport by Mr. Dean Ellis, Lessee, was authorized to the Shell Oil Company ~~for the storage of gasoline for use by Eastern Airlines,~~ for 60 days and on a month to month basis thereafter until the completion of a permanent location.

CONTRACTS FOR PARKING METER HEADS AWARDED TO THE MICHEALS ART BRONZE COMPANY AND DUNCAN PARKING METER CORPORATION.

Motion was made by Councilman Daughtry, seconded by Councilman Boyd, and unanimously carried, awarding contracts for 400 Parking Meter Heads to The Micheals Art Bronze Company for 200 "Mico" Meters at a net delivered price of \$50.00 each, and to Duncan Parking Meter Corporation for 200 "Miller" Meters at a net delivered price of \$69.00 each.

REPORT OF LEASES OF AIRPORT BUILDINGS.

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

BUILDING NO.	LESSEE	MONTHLY RENTAL	DATE AND TERM OF LEASE	
246	Bowman Upholstery Company	\$ 26.25	1-15-50	1 year
259	The Justis Company	26.25	1-15-50	1 year
201	Morris Field Cold Storage	139.13	1-1-50	4 years
250 (renewal)	The Pure Oil Company	30.00	12-1-49	1 year
50	M & E Sales Company	25.80	12-1-49	1 year
51 (renewal)	Twin States Mercantile Company	25.80	10-15-49	1 year

ADJOURNMENT.

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

Richard R. Lippman
City Clerk