

A regular meeting of the City Council was held in the Council Chamber, City Hall, on Wednesday, May 17, 1950, at 11 o'clock a.m., 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.

MINUTES APPROVED WITH CORRECTION.

Upon motion of Councilman Aitken, seconded by Councilman Daughtry, and unanimously carried, the Minutes of the last meeting were approved as submitted with a correction to record Councilman Wilkinson voting in favor of the motion to defer action on the petition of John Crosland and others for the annexation of territory to Charlotte, and Councilman Coddington voting against the motion.

PERMISSION GRANTED LEAGUE OF WOMEN VOTERS TO USE SOUND TRUCK ON STREETS ON MAY 27th TO PROMOTE VOTING IN THE ELECTION.

Mrs. Thomas Sharpe, representing the League of Women Voters, requested permission for the League to use a sound truck on the streets on May 27th to promote voting in the election. Mrs. Sharpe stated the League members had written parodies on familiar tunes, which would be played from records on the truck. Mrs. Sharpe and Mrs. Stanley Maer sang the songs - "Go to the Polls and Vote", in which they were accompanied by Mayor Shaw, also "Go to the Polls and Vote Right Now" and "We Have to Vote, Vote, Vote". Mrs. Sharpe stated the Merchants Association was cooperating with the League in the idea. Councilman Daughtry moved that permission be granted the League to use the sound truck on May 27th for this purpose. Motion was seconded by Councilman Albea, and unanimously carried.

REQUEST OF ROBINSON ELECTRIC COMPANY FOR FIFTY FOOT CURB CUT AT 316 SOUTH POPLAR STREET REFERRED TO COMMITTEE.

Mr. Ralph Robinson, President of Robinson Electric Company, requested permission to construct a 50-foot driveway entrance in front of their new building at 316 South Poplar Street. He stated the street is narrow and no parking is allowed on either side; that their building will be set back to permit parking on the lot and a 50-foot entrance is necessary to provide proper egress and ingress. The matter was referred by Mayor Shaw to a Committee composed of Councilman Daughtry, Chairman, and Councilmen Albea, Coddington and Wilkinson, to view the location with Mr. Robinson and Traffic Engineer Hoose, and report with recommendation at next week's meeting.

PETITION FOR ADJUSTMENT IN TAXICAB RATES AND REMOVAL OF TAXIMETERS FILED BY THE REVEREND G. H. HAIRSTON.

The Reverend G. H. Hairston, Pastor of Clinton Chapel on South Mint Street, filed a petition which he stated was signed by 5000 citizens in new developments of the city, among them being Double Oaks Housing Development and subdivisions on Beatty's Ford Road. He advised these citizens are mostly employed in domestic service, cannot afford the high cab fares and are therefore protesting the rates and request the Council to remove taximeters and adjust the rates.

Upon the inquiry of Mayor Shaw if Mr. Hairston originated the petition, he stated he had not. That he understood the petitions were placed in beauty parlors, doctors offices, etc., for signatures of interested persons, and his only interest in the matter is that citizens be able to get to church and to their daily jobs. He advised further that the petition

was sent him by Mrs. McLeod with request that he present it to the City Council.

Mayor Shaw stated these petitions continue to be brought in to Council Meetings, even though he has heard no individual complaints regarding the taxicab system; that he understands the average cab fare is 58 cents and citizens are now better able to secure a cab when desired. At the Mayor's request, Police Chief Littlejohn stated that cab service is infinitely better now than under the old system.

Councilman Boyd moved that the petition be received as information and filed with the City Clerk. Motion was seconded by Councilman Daughtry, and unanimously carried.

END OF FIRST YEAR'S SERVICE OF COUNCIL AND MAYOR NOTED BY MAYOR SHAW.

Mayor Shaw called attention that today is approximately the anniversary of a year's service to the City of the Councilmen and himself. He expressed to each Councilman his pleasure at having been associated with him and stated he believes the citizens feel that each has done his best to give to Charlotte an efficient and progressive government. He referred to the grade crossing elimination program, plans for an auditorium, correction of the Sugaw Creek problem and proposed extensive street improvements as major plans of the City Government for Charlotte.

The Mayor further stated that the need in our community is for businessmen who will assume the responsibilities which their position merits. That there are altogether too many men who read about our difficult times in magazine articles or in books but who are unwilling to put their hands to the actual task of setting things right within our community. That we need men who will be willing to roll up their sleeves and get their hands dirty in the task of bending community life; that we have had enough of the prophet of doom and the priest of despair. He expressed the hope that we may have some people who will work and toil for the improvement of conditions, for the establishment of good community life, and for the creation of a society of which we will all be very proud.

ORDINANCE (NO. 106) AMENDING THE BUILDING CODE WITH RESPECT TO GROUND SIGN BOARDS, ADOPTED.

An ordinance entitled, "Ordinance (No. 106) Amending the Building Code with Respect to Ground Sign Boards", to permit the erection of metal sign boards to a height of 35-feet, was introduced and read. Councilman Albee moved the adoption of the ordinance, which was seconded by Councilman Coddington, and unanimously carried. Ordinance is recorded in full in Ordinance Book 11, at Page 132.

RESOLUTION REGARDING EXCAVATION UNDER SIDEWALK AT SOUTHWESTERN CORNER OF CHURCH AND THIRD STREETS ADOPTED ON FINAL READING.

A resolution entitled, "Resolution Regarding Excavation Under the Sidewalk at the Southwestern Corner of Church and Third Streets" was placed upon its second reading. Upon motion of Councilman Aitken, seconded by Councilman Jordan, the resolution was unanimously adopted. Resolution is recorded in full in Resolutions Book 1, at Page 276.

The following Agreement is entered into by the property owner, Mr. Erwin Kahn and the City of Charlotte, as referred to in the resolution:

"STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

THIS AGREEMENT, Made and entered into this 17th day of May, 1950, by and between the City of Charlotte, a municipal corporation of the State of North Carolina (hereinafter referred to as the CITY), party of the one part, and Erwin Kahn, (hereinafter referred to as OWNER) party of the other part;

W I T N E S S E T H:

The City Council of the City of Charlotte at two regular meetings of said Council duly passed resolutions as set forth in Minute Book 33, at pages 269 and 274, authorizing this agreement to be entered into granting a special privilege to the owner of property located at the southwest corner of Church and Third Streets, to excavate under the sidewalk immediately adjacent to said property for the purpose of placing pilings thereunder, and to use said excavated space for said purpose, the same being more particularly described as follows:

A space under the sidewalk on West Third Street for the entire depth of said sidewalk of 5½ ft. for a distance of 146.25 ft., and under the sidewalk on South Church Street for a varying depth of from 2 to 5 ft. for a distance of 68 ft., as shown on Map hereto attached.

This special privilege is granted upon the following conditions, which are agreed to by the property owner as conditions precedent to the initial and continued exercise of such privilege:

(1) The special privilege for the construction and maintenance of said excavated space shall be revocable at the will of the Governing Bdy of the City, at any time, with or without any cause whatsoever, and in the event said special privilege is revoked, then said excavation shall be filled in promptly in accordance with the specifications of, and in a manner satisfactory to, the City, and said sidewalk shall be restored in accordance with the specifications of, and in a manner satisfactory to, the City.

(2) The plan and method of excavating and maintaining the excavated space shall be submitted to and be subject to the approval of the City.

(3) During the existence of said excavated space and for a period of three years after the filling in of same, in case of revocation of this special privilege, as hereinabove provided, the owner agrees:

(a) Continuously to maintain the sidewalk over said excavated space in a manner satisfactory to the City and to indemnify and save harmless the City from any and all claims of any nature whatsoever, due directly or indirectly to the property owner's failure to do this, including but not limited to claims on account of storm drainage and on account of injury to persons or property which may arise against the City, whether justified or unjustified, and whether directly or indirectly due to the granting of this special privilege;

(b) To indemnify and save harmless the City from any and all costs of investigating such claims and/or defending such claims in court or otherwise;

(c) To record this agreement in the Office of the Register of Deeds for Mecklenburg County, N. C., and to furnish the City with the recorded copy;

(d) To furnish the City a bond in the amount of \$500.00, with a corporation authorized to do business in the State of North Carolina, as surety, said bond to be conditioned upon compliance by the present or any subsequent owner of said property with each and all of the conditions set forth and contained in this agreement.

IN TESTIMONY WHEREOF, this instrument has been duly executed, the day and year first above written by the parties hereto and their seals hereto affixed.

ATTEST:

CITY OF CHARLOTTE

By _____
Mayor

City Clerk

ERWIN KAHN, OWNER

RESOLUTION WITH RESPECT TO ACQUISITION OF RIGHT-OF-WAY FROM HAVILAND SMITH AND CAROLYN K. SMITH, FOR SANITARY TRUNK SEWER NEAR AVONDALE AVENUE.

A resolution entitled, "Resolution with Respect to Acquisition of Right-of-Way for Sanitary Trunk Sewer near Avondale Avenue from Haviland Smith and Carolyn K. Smith" was presented and read, and upon motion of Councilman Boyd, seconded by Councilman Wilkinson, was unanimously adopted. Resolution is recorded in full in Resolutions Book 1, at Pages 278 and 279.

RESOLUTION WITH RESPECT TO ACQUISITION OF RIGHT-OF-WAY FROM EARL C. WHITE AND HANNAH B. WHITE FOR SANITARY TRUNK SEWER NEAR AVONDALE AVENUE.

A resolution entitled, "Resolution with Respect to Acquisition of Right-of-Way for Sanitary Trunk Sewer near Avondale Avenue from Earl C. White and Hannah B. White", was presented and read, and upon motion of Councilman Boyd, seconded by Councilman Coddington, was unanimously adopted. Resolution is recorded in full in Resolutions Book 1, at Pages 280 and 281.

RESOLUTION WITH RESPECT TO ACQUISITION OF RIGHT-OF-WAY FROM LULA, JENNIE AND MARY KIRKPATRICK FOR SANITARY TRUNK SEWER NEAR AVONDALE AVENUE.

A resolution entitled, "Resolution with Respect to Acquisition of Right-of-Way for Sanitary Trunk Sewer near Avondale Avenue from Lula, Jennie and Mary Kirkpatrick", was introduced and read, and upon motion of Councilman Boyd, seconded by Councilman Daughtry, was unanimously adopted. Resolution is recorded in full in Resolutions Book 1, at Pages 282 and 283.

RESOLUTION WITH RESPECT TO NON-RETIREMENT OF CERTAIN EMPLOYEES SIXTY-FIVE YEARS OLD OR OLDER ON JULY 1, 1950.

A resolution entitled, "Resolution with Respect to Non-Retirement of Certain Employees Sixty-five Years Old or Older on July 1, 1950", was introduced and read. Councilman Coddington moved the adoption of the resolution, which was seconded by Councilman Jordan, and unanimously carried. Resolution is recorded in full in Resolutions Book 1, at Page 284.

SUBDIVISION PLATS APPROVED.

Upon motion of Councilman Wilkinson, seconded by Councilman Aitken, and unanimously carried, plats of the following subdivisions were approved, as recommended by the Planning Board:

- (a) Plat of part of Wendover Hills Subdivision, being developed by McDonald Realty Company.
- (b) Plat of part of Graham Heights Subdivision, being developed by Mr. McCoy Moretz, Sr.
- (c) Plat of Ashley Park Subdivision as revised, and to replace plat approved March 29, 1950, being developed by John Crossland Company.

PURCHASE OF POPLAR GABLES SEWERAGE SYSTEM FROM WESLEY T. HEATH, AUTHORIZED.

Councilman Alba moved that the purchase of the Poplar Gables Sewerage System be authorized from Wesley T. Heath, at a price of \$2,634.50, subject to approval by the City Attorney of deed of conveyance, or bill-of-sale. Motion was seconded by Councilman Aitken, and unanimously carried.

CONTRACTS AUTHORIZED FOR CONSTRUCTION OF WATER MAINS.

Motion was made by Councilman Aitken, seconded by Councilman Wilkinson, and unanimously carried, authorizing contracts for the construction of water mains, as follows:

- (a) Contract with Mr. Sam H. McDonald, for 3,600-feet of mains in that portion of Wendover Hills Subdivision outside the city, at an estimated cost of \$4,025.00, to serve approximately 44 residential lots. All costs to be borne by the

applicant, who will own the mains until taken into city, at which time mains will be automatically dedicated to the City. Said lines will be maintained and operated by the Water Dept. as per contract.

- (b) Contract with Mr. Sam H. McDonald, for 1,320-feet of mains and 2 fire hydrants in that portion of Wendover Hills Subdivision inside the city limits, at an estimated cost of \$3,050.00, to serve approximately 24 residential lots. The City to finance all costs, and applicant to guarantee a gross annual revenue equal to 10% of the total construction cost.
- (c) Contract with Morningside Apartments, Inc., for the construction of 1,150-feet of mains and 1 fire hydrant in Iris Drive, at an estimated cost of \$2,500.00, to serve 10 apartment buildings. The City to finance all costs and applicant to guarantee a gross annual revenue equal to 10% of total construction cost.

CONSTRUCTION OF NEW SANITARY SEWERS, AUTHORIZED.

Upon motion of Councilman Daughtry, seconded by Councilman Coddington, and unanimously carried, the construction of new sanitary sewers was authorized at the following locations:

- (a) 70-feet of 8-inch sewer in Arnold Drive, at an estimated cost of \$200.00, to serve one family unit. Cost to be borne by the City.
- (b) 123-feet of 8-inch sewer in Grace Street, at an estimated cost of \$200.00, to serve one family unit. Cost to be borne by the City.
- (c) 40-feet of 8-inch sewer in Providence Drive, at an estimated cost of \$235.00, to serve one family unit. All costs to be borne by the City, and \$200.00 of applicant's deposit of \$235.00 to be refunded as per the contract.

STREETS TAKEN OVER FOR MAINTENANCE.

Councilman Aitken moved that the following streets be taken over for maintenance, which was seconded by Councilman Wilkinson, and unanimously carried:

- (a) Turner Ave. from W. Trade St. to Roslyn Ave.
- (b) Ideal Way, from end of present maintenance 250-ft. west toward Floral Ave.
- (c) DeArmon Drive, from Roland St. north one block to dead end.
- (d) Roland St. from Morningside Dr. to DeArmon Dr.
- (e) Dunbar St., from S. Cedar St. to S. Clarkson St.
- (f) Patricia Ave. from Pinecrest Ave. approximately 300 feet west to dead-end.
- (g) Marshall Boulevard, from Arnold Drive to Eastway Drive.
- (h) Draper Ave. from Marshall Boulevard south approximately 700 feet to end of present pavement.
- (i) Lee Avenue, from Marshall Boulevard to Draper Ave.
- (j) Merry Oaks Road, from Marshall Boulevard to Draper Ave.
- (k) Cypress St. from Merriman Ave. to Spruce St.
- (l) Spruce St., from Merriman Ave. to Dunkirk Drive.
- (m) Dunkirk Drive, from Spruce St. to Cypress St.

CONTRACTS FOR PURCHASES, AUTHORIZED.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, contracts for purchases were authorized as follows:

- (a) Contract with Lynchburg Foundry Company, for 15,000 feet of Cast Iron Pipe, as specified, on a unit price basis of \$1.22 per foot, representing a net delivered price of \$18,300.00.

- (b) Contract with Grinnell Co., Inc. for 30,000-feet of Wrought Iron Pipe, as specified, on a unit price basis, representing a total of \$10,542.00, subject to cash discount of \$201.06.
- (c) Contract with Industrial Piping, Inc., for Fifty 6-inch Gate Valves, as specified, on a unit price basis, representing a total of \$1,689.50.
- (d) Contract with Noland Company, Inc., for 8,000 lineal feet of Cast Iron Soil Pipe, as specified, on a unit price basis, representing a total of \$3,583.20, subject to discount of \$77.06.
- (e) Contract with Electric Ice & Fuel Company, for approximately 250 Tons of Pocahontas type Stove Coal, on a unit price basis of \$12.15, representing a total of \$3,037.50.
- (f) Contract with R. J. Todd, Contractor, for Sanitary Sewers construction, Irwin Creek Outfall Extensions, etc., as specified, on a unit price basis, representing a total of \$35,598.45.

APPLICATION FOR LOCATION OF AUTO REPAIR SHOP AT 225 SOUTH GRAHAM STREET, APPROVED.

Motion was made by Councilman Wilkinson, seconded by Councilman Jordan, and unanimously carried, approving the application of Geo. L. Bradley, 330 South Tryon Street, to locate an Auto Repair Shop at 225 South Graham Street, in an Industrial Zone.

CONSTRUCTION OF D RIVEWAY ENTRANCES, AUTHORIZED.

Councilman Aitken moved that the construction of driveway entrances at the following locations be authorized, which was seconded by Councilman Wilkinson, and unanimously carried:

- (a) One 10-foot entrance at 2100 Hastings Drive.
- (b) One 10-foot entrance at 3109 Morson Street.
- (c) One 9-foot entrance at 1332 Ordermore Avenue.
- (d) One 15-foot entrance at 1532 Providence Drive.
- (e) Two 28-foot entrances at 618 South Church Street.
- (f) Two 15-foot entrances at 1216 South Mint Street.
- (g) One 8-foot entrance at 216 Sylvania Avenue.
- (h) One 12-foot entrance at 817 Lamar Avenue.
- (i) One 12-foot entrance at 2120 Princeton Avenue.
- (j) One 10-foot entrance at 515 Ideal Way Extension.
- (k) One 25-foot entrance at 703 Providence Road.
- (l) One 10-foot entrance at 701 Brookside Drive.
- (m) One 18-foot 10-inch entrance at 1208 South Boulevard.
- (n) One 15-foot entrance on Elizabeth Ave. and One 15-foot entrance on Torrence Street, for 1501 Elizabeth Avenue.
- (o) One 10-foot entrance at 1700 Club Road.

LEASE OF AIRPORT BUILDINGS REPORTED.

The City Manager reported that leases had been concluded on the following Airport buildings:

| BUILDING NO. | LESSEE | MONTHLY RENTAL | DATE AND TERM OF LEASE |
|--------------|-----------------------|----------------|------------------------|
| 221 | Batte Display Company | \$53.10 | 5-1-50 5 years |
| 287(S.end) | Wingate Mfg. Company | 25.44 | 3-16-50 1 year renewal |
| 288 | A. W. Elliott | 21.30 | 5-1-50 1 year renewal |
| 17 | A. W. Elliott | 15.00 | 3-1-50 1 year renewal |
| 354 | W.M.P. Industries | 5.00 | 4-16-50 1 year renewal |
| 353 | W.M.P. Industries | 12.50 | 4-16-50 1 year renewal |
| 285 (S.end) | W.M.P. Industries | 21.00 | 4-16-50 1 year renewal |
| 285 (N.end) | W.M.P. Industries | 56.00 | 4-16-50 1 year renewal |

VOTE OF APPRECIATION GIVEN MAYOR SHAW BY COUNCIL ON ANNIVERSARY OF FIRST YEAR IN OFFICE.

Councilman Boyd moved that on this, the anniversary of the first year in office of the Mayor and Council, the members of the Council give a vote of thanks and appreciation to Mayor Shaw for the efficient, courteous and impartial manner in which he has presided over the Council Meetings and for his efforts to give Charlotte a good, clean government. The motion was seconded by Councilman Jordan, and unanimously carried.

CEMETERY DEEDS TRANSFERRED.

Upon motion of Councilman Albae, seconded by Councilman Aitken, and unanimously carried, the Mayor and City Clerk were authorized to execute deeds for the transfer of the following cemetery lots:

- (a) Deed to Robt. B. Graham and Rev. and Mrs. R. L. Phillips, for Lot 72, Section 3, Evergreen Cemetery, at \$156.00.
- (b) Deed to D. J. Hince, for Lot 337, Section 3, Evergreen Cemetery, at \$122.85.
- (c) Deed to Mrs. Nell E. Miller, for Lot 47, Section 3, Evergreen Cemetery, at \$156.00.
- (d) Deed to Mrs. G. K. Johnson, for Lot 244, Section 4-A, Evergreen Cemetery, at \$81.90.

MAYOR EXTENDS INVITATION TO MAY 20th LUNCHEON FOR GOVERNOR SCOTT.

Mayor Shaw invited the Councilmen, City Manager and City Attorney to be his guests at the City Club on May 20th at a luncheon for Governor Kerr Scott, who will be in Charlotte for the May 20th Celebration.

COMMITTEE APPOINTED BY MAYOR TO STUDY REPORT ON INDUSTRIAL WASTE DISCHARGING INTO SUGAW CREEK.

Mayor Shaw advised he had appointed a Committee composed of Councilman Boyd, Chairman, and Councilmen Aitken and Wilkinson to study the report on the Industrial Waste being discharged into Sugaw Creek, and to make a recommendation to Council as to what action they deem proper.

APPOINTMENT OF H. P. HARDING TO CIVIL SERVICE COMMISSION.

Councilman Coddington moved the appointment of Mr. H. P. Harding as a member of the Civil Service Commission, for the unexpired term of Dr. Hunter B. Blakely, resigned, which ends on May 15, 1951. Motion was seconded by Councilman Aitken, and unanimously carried.

ACTION ON PROPOSED EMPLOYMENT OF A. G. ODELL, JR. AS ARCHITECT FOR PROPOSED NEW AUDITORIUM DEFERRED ONE WEEK.

Action was deferred for one week on the proposed employment of Mr. A. G. Odell, Jr., as architect for the proposed new auditorium, in order that there might be incorporated into the contract Mr. Odell's proposal that if bonds for the auditorium are not voted favorably then no architectural fee will be due him.

REPAIRS TO PROPERTY, DAMAGED BY DUKE POWER BUSES, AT THE PLAZA AND MATHESON AVENUE, REQUESTED BY W. J. MCCLENDON.

Mr. W. J. McClendon, who resides at the intersection of The Plaza and Matheson Avenue, stated that Duke Power Busses have a waiting stop just after turning into Matheson Avenue from The Plaza, and have damaged the shoulder of his lot until it is in bad condition. He requested that either the City or Duke Power Company repair the damages and place the shoulder in a permanent condition that the busses cannot further damage it. He also requested that the storm drain at The Plaza and Matheson Avenue be improved to prevent the overflow of drain water from flooding the street and private property. The matter was referred to the City Manager for investigation and report.

UNANIMOUS CONSENT GIVEN PRESENTATION OF UNDOCKETED ITEM.

Upon motion of Councilman Aitken, seconded by Councilman Jordan, the unanimous consent of Council was given the presentation of the following undocketed item.

CITY MANAGER, WITH ASSISTANCE OF CITY OFFICIALS AND EMPLOYEES, AUTHORIZED TO MAKE SURVEY OF DUKE POWER COMPANY BUS SERVICE, AND FUNDS ALLOCATED FOR EXTRA HELP IF NEEDED.

Councilman Boyd moved that in accordance with the suggestion of Mayor Shaw made some weeks ago, that the City Manager be authorized to make a survey of Duke Power Company bus service in the City of Charlotte, using, as far as possible, the services of City officials and employees, and that he be authorized to expend a sum not to exceed \$2,500.00 for extra help if needed, and that the Duke Power Company be requested to make available to the City a survey, which the Council understands is in their possession and made by outside, impartial experts some time in the recent past, and that this survey be used by the City officials for information and assistance in our survey in lieu of the Duke Power Company paying any part of the expense of this proposed survey. Motion was seconded by Councilman Aitken, and un-animously carried.

Mr. Yancey, City Manager, stated that neither Mr. Hoose, the Traffic Engineer, nor himself desires to make the survey. That when it is completed it is possible that neither the public, Duke Power Company, nor the City Council will be satisfied with their findings. However, they will graciously accept any task which the Council assigns them that they feel they are qualified to perform.

ADJOURNMENT.

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

Leeia R. Hoffman
City Clerk