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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, September 15, 1954, at 11 o'clock a.m., with Mayor Van Ewery 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 Joint Meeting with the County Commissioners at 9:30 o'clock a.m., on September 8th, and of the regular meeting at 11 o'clock a.m., on September 8th, were approved as submitted.

HEARING WITH RESPECT TO BENEFITS CONFERRED UPON PROPERTY WITHIN THE IMPROVEMENT DISTRICT ON WEST FIFTH STREET CONTINUED TO OCTOBER 6, 1954.

The Mayor advised that the scheduled hearing would now be held with respect to benefits conferred by the Board of Appraisers upon property within the improvement district on West Fifth Street, between North Cedar Street and West Trade Street.

Mr. Ben Horack, Attorney, representing the J. C. Brookshire Estate stated that his client owns three apartment houses on the north side of Fifth Street, between Andrill Terrace and West Trade Street. He stated the assessments on the property of his client adds up to approximately \$2,200.00, and if the proposed assessment undertakes to assess on the basis of benefits conferred, then it is not right, as the property has not benefited at all. He stated that a Truck Lane sign has been erected above Cedar Street and West Fifth Street has become a thoroughfare, with increased traffic and noise from trucks and tankers. That this area is in an R-2 residential district, and the north side of the street where his client's property is located is restricted to R-2 usage. He asked that the Council review the provisions of Section 51 of the Charter, under which these improvements were made, and relieve his client of the recommended assessment.

Mayor Van Ewery advised the audience that the City is required by law to appoint five appraisers to fix a valuation on the property before the improvement is made, and again after it is made, and report to the Council the amount of benefits or damages to the affected property. He stated further that the Council wishes to consider the assessments, and to go out and view the property, and make their decision at a later date.

Councilman Dellinger moved that the hearing be continued until the meeting on October 6th, and in the meanwhile the Council be supplied with copies of the report of the Board of Appraisers, showing the names of the property owners, house numbers, number of feet of frontage and assessment. The motion was seconded by Councilman Albea, and unanimously carried.

Mayor Van Ewery invited anyone else present to speak on the subject if they so wished. Mr. Guy M. Beatty stated he owns for rental purposes an apartment building and a single family house at 1724 and 1728 West Fifth Street, and that he has realized \$2,000.00 in damages. That one of his lots was left so high in the back the water cannot drain off properly; that the property is not in a salable condition, and his tenants are complaining about the noise from traffic.

Mrs. Frank J. Anderson, 1009 West 5th Street stated the frontage set forth in the report by the appraisers is incorrect on her property and on that of many others which she has checked at the Court House, and the assessments were not fairly made by the Appraisers. Too, that the residents in the 1000 and 1100 blocks received no compensation whatsoever for rights-of-way taken from their property, still they are now heavily assessed for the unwanted improvements. She stated it is the general traveling public that

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has benefitted, not the residents, and she has been advised by Captain Hankle of the Traffic Division that the street will definitely be made a Truck Route. She expressed objection to the noise from the trucks moving over the street all night, which makes sleep impossible.

Mr. H. W. Hunter stated he resides in a duplex, which he owns at 1108 West 5th Street; that it is on the grade leading up from Irwin Creek and the noise from the trucks gaining speed to make the grade is terrific, particularly during the night hours. He advised that it had cost him \$175.00 to construct a wall and steps to his front yard, which was falling into the street; that he was paid nothing for the right-of-way taken from his property.

Mrs. E. P. Warren, 1114 West 5th Street, stated she was forced to spend a considerable sum to fix the wall and steps to her property after the improvement was made.

Mrs. L. G. Hunter stated that when the sidewalk was lowered in front of her residence at 1012 West 5th Street, they were left hanging up in the air. That instead of improving the property, it was severely damaged.

Mr. John M. Dwelle, Realtor, stated they handle the property of Mrs. Charles Arey, on the north side of West 5th Street, which has a 95-ft. frontage, and they believe the benefits assessed in the amount of \$428.75 is excessive.

Mr. C. R. Wilman stated his rental property at 122 and 124 Clarkson was damaged by the improvement; that since the street was cut down the house is too high to step from the present sidewalk. That a retaining wall should be erected at Clarkson & Fifth to hold up the bank and keep it from washing his yard away, and the yards of both houses should be left in the good condition they were before the improvement was made. He stated he wrote Mr. Richey, City Engineer, on May 27th asking about the matter, but has not had a reply.

HEARING WITH RESPECT TO BENEFITS CONFERRED UPON PROPERTY WITHIN THE IMPROVEMENT DISTRICT ON MARLOWE AVENUE, CONTINUED TO OCTOBER 6, 1954.

The scheduled hearing was held in connection with benefits conferred by the Board of Appraisers upon property within the improvement district on Marlowe Avenue, between Columbus Circle and Greene Street. Mr. Dick Wellington, Attorney, representing Mr. D. W. Flowe, stated the benefits assessed against the property of Mr. Flowe amounts to \$4,000.00. That his house fronts on Remount Circle and sits back 200 feet. That Mr. Flowe executed a deed with the City to give the right-of-way for the improvements with the clear understanding that he was not to be charged for the improvements. That he was not interested in having the right-of-way through the property but the residents of the area desired a street cut for the use of school children and he cooperated with them and gave the right-of-way and executed the deed under the condition that no assessment would be charged against him.

Councilman Baxter moved that the hearing be continued until the Council Meeting on October 6th. The motion was seconded by Councilman Smith, and unanimously carried.

Councilman Boyd asked what procedure the Council would follow now, and Mayor Van Every stated he would call a meeting of the Council and the Appraisers and go down and consider each piece of property individually.

APPOINTMENT OF MEMBERS TO THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION.

Upon motion of Councilman Brown, seconded by Councilman Baxter, and unanimously carried, the present members of the Charlotte Planning Board were appointed to the Charlotte-Mecklenburg Planning Commission, together with Mr. J. H. Robinson, for the following terms:

Mr. Joe H. Robinson	Term to end on June 30, 1955
Mr. George E. Wilkinson	Term to end on June 30, 1956
Mr. Frank Conner	Term to end on June 30, 1956
Mr. Geo. L. Sibley	Term to end on June 30, 1957
Mr. W. W. Hanks	Term to end on June 30, 1957

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MAYOR PRO TEM PRESIDES FOR REMAINDER OF SESSION.

Mayor Van Every left the meeting at this time, and Mayor pro tem Smith presided for the remainder of the session.

INVESTIGATION REQUESTED RELATIVE TO ERECTION OF TRAFFIC "SLOW" SIGNS ON BRIARCREEK ROAD AND COMMONWEALTH AVENUE.

Councilman Dellinger stated that residents of the area desired to have traffic "slow" signs erected on Briarcreek Road and Commonwealth Avenue for the benefit of school children. He requested that the matter be investigated by the Traffic Engineer and report made to Council.

CLAIM OF J. H. MARKS FOR INJURIES REFERRED TO CITY ATTORNEY.

Upon motion of Councilman Baxter, seconded by Councilman Wilkinson, and unanimously carried, the claim of Mr. Joe H. Marks, filed by Mr. Wm. H. Abernathy, Attorney, for injuries to himself and car by reason of the alleged negligence of the City in maintaining a defect in the street at the intersection of W. First and Elliott Streets on July 14, 1954, was referred to the City Attorney.

STREETS TAKEN OVER FOR MAINTENANCE.

Motion was made by Councilman Albea, seconded by Councilman Baxter, and unanimously carried, authorizing the following streets to be taken over for maintenance:

- (a) Marlborough Road East, from Dickens Ave. west to Marlborough Road West.
- (b) Marlborough Road West, from Dickens Ave. west to Marlborough Road East.

CONSTRUCTION OF SANITARY SEWER MAINS AUTHORIZED.

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

- (a) 200-ft. of sewer main in Academy Street, to serve three family units and one vacant lot, at an estimated cost of \$500.00, with all costs to be borne by the City.
- (b) 85-ft. of sewer main in Condon Street, to serve one family unit and one vacant lot, at an estimated cost of \$200.00, with all costs to be borne by the City.
- (c) 540-ft. of sewer main in Marlwood Terrace, to serve 14 vacant lots, at an estimated cost of \$1,370.00. All costs to be borne by the City, and the deposit of the full amount of the cost to be refunded to the applicant, Mr. A. W. Neimer, as per terms of the contract.
- (d) 57-ft. of sewer main in Wooddale Terrace, to serve one family unit, at an estimated cost of \$110.00, with all costs to be borne by the City.

CONTRACT AWARDED SOLVAY PROCESS DIVISION, ALLIED CHEMICAL & DYE CORPORATION FOR LIQUID CHLORINE.

The bids submitted on 90 tons of Liquid Chlorine were discussed, with Mr. Ledbetter, Acting City Manager, explaining that the low bid of Solvay Process Division, Allied Chemical & Dye Corporation, in the amount of \$8,406.00 is subject to escalation on the cost of the material and freight rates predicated on today's prices and subject to changes in accordance with the general terms of the Company. That the second lowest bid is that of John Wiley Jones Company, in the amount of \$10,506.00 and is a firm bid. That the Purchasing Agent advises that the last contract for this material was with John Wiley Jones Company and delivery was made piece-meal which

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proved unsatisfactory in every way; therefore, in the interest of the public health and safety, it is recommended that the contract be awarded Solvay Process Division, subject to escalation, which he is advised by the Purchasing Agent meets the approval of the City Attorney.

Mr. John D. Shaw, City Attorney, stated that he is advised that the fixed bidder has been delivering this material to the Water Department in 5-ton cylinders which was unsatisfactory. Also he is advised that John Wiley Jones Company is a Jobber, handling the material of Vick Chemical Company. He advised the Council that they cannot always accept an escalation clause, and in this instance he does not know what the cost will amount to; however, if the former delivery was unsatisfactory, then the Council can accept the escalation clause in the low bid.

Upon motion of Councilman Baxter, seconded by Councilman Dellinger, and unanimously carried, the contract was awarded the low bidder, Solvay Process Division, Allied Chemical & Dye Corporation, with the City Attorney's qualifying statement, for 90 tons of Liquid Chlorine, as specified, on a unit price basis, prices of material and freight rates subject to escalation predicated on today's prices and subject to changes in accordance with the general terms of Solvay Process Division, representing a total price of \$8,406.00.

SPECIAL OFFICER PERMIT AUTHORIZED ISSUED TO ROBERT J. HENDERSON.

Motion was made by Councilman Baxter, seconded by Councilman Brown, and unanimously carried, authorizing the issuance of a Special Officer Permit to Mr. Robert J. Henderson, for use on the premises of Charlotte Fish and Oyster Company.

REPORT OF LEASING OF AIRPORT BUILDINGS.

It was reported that leases had been concluded on the following buildings at Douglas Municipal Airport:

BUILDING NO.	LESSEE	MONTHLY RENTAL	DATE AND TERM OF LEASE	
296	Keeter Trailer & Body Co.	\$134.00	10-1-54	1 yr. renewal
99 & 203	Shields Oil Company	\$ 30.00	9-15-54	1 yr. renewal
55	Eaton Oil Company	\$ 36.24	9-1-54	5 years
72	Cotton Mill Machinery Co.	\$ 91.80	10-1-54	1 yr. renewal
70	Batte Display Company	\$ 50.00	month to month	
71	Draco Furnace Co.	\$ 91.80	10-1-54	1 yr. renewal

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed to J. F. Davis, for Lot-34, Section A-Annex, Elmwood Cemetery, transferred from Ralph S. Smith, at \$1.00 for transfer deed.
- (b) Deed to John C. Boyd, for north half of Lot 109, Section "T", Elmwood Cemetery, transferred from Mrs. Mary B. Cochrane, at \$1.00 for transfer deed.
- (c) Deed to Charles E. Lytle, Jr., for north half of Lot 15, in Section L-Annex, Elmwood Cemetery, at \$1.00 for transfer deed.
- (d) Deed to Mrs. Birdie C. McLeod, for south half of Lot 15, in Section L-Annex, Elmwood Cemetery, at \$1.00 for new deed.

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CITY ATTORNEY DIRECTED TO SECURE RESTRAINING ORDER AGAINST MRS. H. S. HAITHCOCK FOR THE OPERATION OF KINDERGARTEN AT 410 EAST PARK AVENUE, WHICH VIOLATES THE ZONING ORDINANCE.

Mr. John D. Shaw, City Attorney, advised the Council that he has been requested by Mr. H. N. Sutton, Chief Building Inspector, to secure a restraining order against Mrs. H. S. Haithcock from the operation of a Kindergarten at 410 East Park Avenue, which is violation of the Zoning Ordinance. He stated that Mr. Sutton further advises that this is Residence-2 district and the operation of the school is prohibited in such zoning district; that a representative of the Building Inspection Department had called on Mrs. Haithcock with request that she cease operation of the kindergarten, and was advised by her that she intended to continue the school. That Mr. Sutton further advises that she has no health license to serve food and no license from the State Board of Public Welfare for the operation of a minor grade private school.

Councilman Albea moved that the City Attorney be directed to secure the restraining order, as requested, and that the Zoning Ordinance be complied with. The motion was seconded by Councilman Baxter, and unanimously carried.

ADJOURNMENT.

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

Lillian R. Duffman
City Clerk