

A regular meeting of the City Council was held in the Council Chamber, City Hall, on Wednesday, September 20, 1950, at 11 o'clock a.m., with Mayor Shaw presiding, and Councilmen Aitken, Albea, Boyd, Daughtry, Jordan and Wilkinson being present.

Absent: Councilman Coddington.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

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

ORDINANCE(No. 120-X) ASSESSING BENEFITS IN THE IMPROVEMENT DISTRICT OF GREENE AVENUE, FROM GREENE STREET TO ELON STREET, AND AUTHORIZING ADVERTISEMENT WITH RESPECT THERETO.

An ordinance entitled, "Ordinance Assessing Benefits in the Improvement District of Greene Avenue, from Greene Street to Elon Street, and Authorizing Advertisement with Respect thereto", was introduced and read. Upon motion of Councilman Aitken, and seconded by Councilman Albea, the ordinance was unanimously adopted. Ordinance is recorded in full in Ordinance Book 11, at Pages 184-185.

ORDINANCE (NO. 121-X) ASSESSING BENEFITS IN THE IMPROVEMENT DISTRICT OF ROCKWAY DRIVE, FROM INDEPENDENCE BOULEVARD TO CHANTILLY SCHOOL, AND AUTHORIZING ADVERTISEMENT WITH RESPECT THERETO.

An ordinance entitled, "Ordinance Assessing Benefits in the Improvement District of Rockway Drive, from Independence Boulevard to Chantilly School, and Authorizing Advertisement with Respect thereto", was introduced and read, and upon motion of Councilman Wilkinson, and seconded by Councilman Aitken, was unanimously adopted. Ordinance is recorded in full in Ordinance Book 11, at Page 186.

OPENING OF PINEHURST PLACE ABANDONED.

Mr. James B. Marshall, Jr., appeared before Council in support of a petition filed by residents of Hassell Place protesting the opening of Pinehurst Place from Hassell Place to Pinehurst Place as a thoroughfare, as recently authorized by Council. He stated that the petitioners believe the cost of the proposed street will be out of proportion to the benefit that would accrue in comparison with the inconvenience to the residents of Hassell Place and the increased traffic hazards to the children on said street. That no doubt the lower end of Selwyn Avenue will eventually entail additional streets across Sugaw Creek to Park Road, and in the meanwhile the funds can better be used to widen Selwyn Avenue. Also, that the number of school children in Selwyn Village that would use the proposed street is nominal.

Councilman Aitken stated he had suggested the opening of the thoroughfare for the convenience of the residents, and school children of Selwyn Village and the area, and his only interest is to better serve the citizens.

The City Manager stated he agrees with Councilman Aitken that the street opening should be a convenience to the residents, as he said at last week's meeting when he was directed by the Council to purchase the property necessary to effect the street opening; however, he would suggest that the project be abandoned as there is no particular need for the new street to relieve traffic, and there are many, many more locations within

the city where the funds may well be spent.

Councilman Daughtry moved that the project be abandoned. Motion was seconded by Councilman Jordan, and carried, with the votes cast as follows:

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

MAYOR PRO TEM PRESIDES FOR REMAINDER OF SESSION.

Mayor Shaw left the chair at this time and Mayor Pro Tem Aitken presided for the remainder of the session.

TRANSFER OF TAXICAB BY L. C. KISER TO E. R. BAKER AND CERTIFICATE OF NECESSITY FOR ITS OPERATION AS TAXICAB BY BAKER CAB COMPANY AUTHORIZED.

Mr. E. R. Baker, owner of Baker Cab Company, appeared before Council and requested approval of the application of Mr. L. C. Kiser to transfer to Mr. Baker his car, at a price of \$1800.00, which he is now operating as Red Top Cab #71, and also that a Certificate of Necessity be granted Baker Cab Company to operate the said car as a taxicab.

Councilman Boyd stated that by the transaction the city will permit Baker Cab Company to increase the number of cabs under its franchise, and, in his opinion, Beatty Bros. Cab Company, who for years have been responsible for the insurance on Mr. Kiser's cab and allowed him to operate under their franchise, should be given the first opportunity to purchase the car.

Councilman Albea stated he does not think the number of cabs should be increased, as a number of cabs are not now operating.

Councilman Boyd stated further that the reason more cabs are not operating is because the average citizen cannot pay the fares that are now asked.

Councilman Daughtry observed that taxicab service is evidently inadequate and probably the ban should be lifted to increase the number of cabs. Also, that in his opinion an effort should be made to better control the situation.

Following the discussion, Councilman Wilkinson moved that the application for the sale and transfer of the cab to Mr. Baker be approved and a Certificate of Necessity be granted Baker Cab Company to operate the car as a taxicab under their franchise. Motion was seconded by Councilman Jordan, and carried, with the votes cast as follows:

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

NOTICE OF APPEAL TO SUPERIOR COURT BY THE STEPHENS COMPANY AGAINST ASSESSMENT IN IMPROVEMENTS TO PRINCETON AVENUE.

Notice of Appeal of The Stephens Company to the next term of Superior Court against the assessment of benefits in the improvement district on Princeton Avenue, between Queens Road West and Willow Oak Road, was reported as having been filed by Mr. Frank McCleneghan, Attorney.

APPOINTMENT OF COLEMAN W. ROBERTS AS SPECIAL LICENSE CLERK TO SELL 1951 CITY AUTO LICENSE TAGS.

Upon motion of Councilman Jordan, seconded by Councilman Albea, and unanimously carried, Mr. Coleman W. Roberts was appointed as Special License Clerk to handle the sale of 1951 City Auto License Tags for one year beginning December 1, 1950, at a fixed compensation of 10 cents per tag.

APPLICATION BY CHARLOTTE PIPE AND FOUNDRY COMPANY TO ERECT ADDITION TO BUILDING AT 800 DOWD ROAD APPROVED.

Councilman Albea moved that the application of Charlotte Pipe and Foundry Company for permission to construct an addition to their building at 800 Dowd Road, which is located in an Industrial District, be approved. Motion was seconded by Councilman Jordan, and unanimously carried.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

Motion was made by Councilman Wilkinson, seconded by Councilman Jordan, and unanimously carried, authorizing the construction of driveway entrances at the following locations:

- (a) One 8-foot driveway at 827 Hempstead Place.
- (b) One 8-foot driveway at 1614 Maryland Avenue.
- (c) One 20-foot driveway at 2314 Sharon Road.
- (d) One 8-foot driveway at 811 Hempstead Place.
- (e) One 12-foot driveway at 2609 Portland Avenue.

CONTRACTS AWARDED FOR STREET WORK AND PURCHASES.

Upon motion of Councilman Albea, seconded by Councilman Wilkinson, and unanimously carried, contracts were awarded to the following concerns:

- (a) Contract with Flowe Bros. Construction Company for street grading, drainage, etc., as specified, on Baldwin Avenue and Independence Boulevard Project, on a unit price basis, representing a total of \$6,527.25.
- (b) Contract with Blythe Bros. Company, for paving, fine grading, curb and gutter, base, etc., as specified, on the Baldwin Avenue and Independence Boulevard Project, on a unit price basis, representing a total of \$38,249.00.
- (c) Contract with Badger Meter Mfg. Company, for 1,500 - 5/8-inch Water Meters, as specified, on a unit price basis, representing a net delivered price of \$24,225.00.
- (d) Contract with The Ford Meter Box Company, Inc., for 2,000 Meter Yokes, 3/4 inch, as specified, on a unit price basis, representing a net delivered price of \$6,150.00.
- (e) Contract with Concrete Products Company, for 1,500 Concrete Meter Boxes, as specified, on a unit price basis, representing a net delivered price of \$6,225.00.
- (f) Contract with Crane Company, for 4,000-feet of 4-inch Cast Iron Soil Pipe, and 300 Bends, as specified, on a unit price basis, representing a total of \$3,128.85, subject to 2% cash discount.
- (g) Contract with Hajoca Corp., for 4,500-feet of 4-inch Cast Iron Soil Pipe and 340 Bends, as specified, on a unit price basis, representing a total of \$3,616.10, subject to 2% cash discount.
- (h) Contract with Baker-Mitchell Company, for 2,500-feet of 4-inch Cast Iron Soil Pipe, as specified, on a unit price basis, representing a total of \$1,729.25, subject to 2% cash discount.
- (i) Contract with Dewey Bros. Inc., for 150 Manhole Rings and Covers, as specified, on a unit price basis, representing a total of \$3,412.50, subject to cash discount of \$34.13.

CEMETERY LOT TRANSFERRED:

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, the Mayor and City Clerk were authorized to execute a deed for the transfer to Mrs. Ellen L. McCall, from J. V. Lewis and wife, of Lot 9, Section T, Elmwood Cemetery, at a cost of \$1.00 for the transfer.

LEASE OF AIRPORT BUILDINGS REPORTED CONCLUDED.

The City Manager reported that leases have been concluded for buildings at Douglas Municipal Airport to the following concerns:

BUILDING NO.	LESSEE	MONTHLY RENTAL	DATE AND TERM OF LEASE
49	E. K. Baker	\$25.80	9-1-50 1 year
116	Elliott Mfg. Company	30.00	9-1-50 5 years
117	Elliott Mfg. Company	96.39	9-1-50 5 years

PETITIONS FOR STREET AND SIDEWALK IMPROVEMENTS AND STREET LIGHTS FILED.

Councilman Boyd filed with the City Manager petitions as follows:

- (a) Petition from residents of Florida Avenue, from Matheson Ave. to Eastway Drive, requesting additional street lights and that said portion of the street be paved.
- (b) Petition from residents of the 1700 and 1800 blocks of Thomas Avenue, requesting an inspection of the sidewalks within the said blocks.
- (c) A request for repairs to the sidewalks on the east side of East 12th Street, between Brevard and Davidson Streets.

RESOLUTION WITH RESPECT TO A STATE SUPPORTED FOUR-YEAR COLLEGE IN OR ADJACENT TO THE CITY OF CHARLOTTE.

Upon motion of Councilman Jordan and seconded by Councilman Albea, the unanimous consent of Council was given for the presentation of a resolution entitled, "Resolution with respect to a State supported Four-year College In or Adjacent to the City of Charlotte". The resolution was introduced by Councilman Daughtry, who moved its adoption. The motion was seconded by Councilman Albea, and unanimously carried, and the resolution was adopted. Resolution is recorded in full in Resolutions Book 1, at Page 329.

CITY MANAGER DIRECTED TO REPORT RESULTS OF CONFERENCE WITH DUKE POWER COMPANY RELATIVE TO BUS SURVEY, AND DATE OF CONFERENCES BETWEEN COUNCIL AND POWER COMPANY OFFICIALS TO BE FIXED AT NEXT COUNCIL MEETING.

The City Manager stated that he and Mr. Hoose would confer with Duke Power Company officials at 11 o'clock tomorrow relative to the Bus Survey, this being the earliest date the conference could be arranged.

Councilman Boyd moved that the City Manager report the results of the conference to the Council on next Wednesday, and that a date be fixed at the next Council Meeting for the conference between the Council and Duke Power Company officials. Motion was seconded by Councilman Jordan, and unanimously carried.

CITY SOLICITOR AUTHORIZED TO ATTEND NATIONAL SAFETY CONGRESS ON OCTOBER 16-20.

The City Manager presented a request from Mr. Thomas G. Lane, City Solicitor, that he be permitted to attend the National Safety Congress in Chicago, on October 16-20, and that his expenses be paid. Mayor Shaw recommended that the request be granted. Whereupon, Councilman Albea moved that Mr. Lane attend the Congress and that his expenses be paid by the City. Motion was seconded by Councilman Daughtry, and unanimously carried.

CITY ATTORNEY DIRECTED TO STUDY QUESTION OF SPEED OF TRAINS THROUGH CITY AND PRESENT RECOMMENDATIONS.

Councilman Daughtry discussed the ordinance governing the speed of trains through the city, stating that traffic is delayed at crossing due to the slow speed of trains under the present laws of the city. Mayor pro tem Aitken requested that the City Attorney make a study of the matter and present his recommendations to the Council.

CITY MANAGER DIRECTED TO INVESTIGATE SHIFTING OF SAL RR TRAINS AT CENTRAL AVENUE CROSSING BETWEEN FIVE AND SIX O'CLOCK P.M.

Councilman Daughtry stated that the practice of the Seaboard Airline Railroad Company to shift their trains at the Central Avenue crossing between the hours of five and six o'clock in the afternoon is greatly delaying traffic at this peak hour. He requested the City Manager to investigate the matter and ascertain if the condition cannot be corrected.

QUARRY ON TREMONT AVENUE DIRECTED FILLED WITH RUN-OF-THE-MINE GARBAGE AS A BASIS FOR LAND-FILL OPERATION, UPON OBTAINING PERMISSION OF OWNERS OF SAID PROPERTY.

Mayor pro tem Aitken called for a report of the Committee appointed last week to investigate and report their findings of conditions at the Quarry on West Tremont Avenue.

The City Manager presented a report from Chief Charles of the Fire Department, in which he advised that he had inspected the premises as directed, and knows it to be a continuing nuisance which should be abated by any possible legal means. That the Fire Department has been reasonably successful in confining the base of the fires at the Quarry to the area wall below the perimeter, the possibility of ignition of debris in the upper perimeter area exists. That the efforts of the Fire Department in endeavoring to control fires at the location has involved thousands of dollars in the operation and repair of equipment, not to mention the man-hour expense. That in providing this preventive service, it has been necessary on numerous occasions to utilize the services of as high as twenty men twenty-four hours a day.

A similar report from Dr. Bethel of the City Health Department stated that as directed he visited the site on September 19th and found a large collection of debris around the rim and extending back for many yards, even partially blocking Tremont Avenue, awaiting disposal within the Quarry. That flies were in evidence and rats are known to breed and harbor here, to the extent that the area can be considered as a source of danger to the public health and safety. That he recommends the posting of guards, around the clock and seven days a week, who will supervise the dumping of acceptable materials and prohibit the disposal of objectionable filth; and that these guards be added to the forces of the Sanitary Department rather than to those of the Police or Health Departments. That there are three alternatives to remove the condition, with No. 1 being his first choice of the three, and that No. 2 might be an acceptable substitute:

- No. 1. To fill the Quarry, under highest type operational procedure, with all manner of debris including garbage. Costly but rapid.
- No. 2. To fill it with non-decomposable materials. Slow, with extra cost for guards.
- No. 3. Leave it alone and seek action through the courts against the owners.

The City Attorney advised that at a conference with residents of the area on yesterday, held in the Council Chamber and called by Mayor Shaw in an attempt to reach a decision satisfactory to all concerned, the residents of the area flatly refused to cooperate with the recommendations of the Chief of the Fire Department, City Engineer, Health Officer and State Board of Health that the Quarry be filled with run-of-the-mine garbage as a basis for a land-fill operation, and the meeting only resulted in the City Manager and City Engineer being requested to attempt to run off the affluent into the sewer system.

The City Attorney further stated that he recommends that a barrier be immediately placed around the Quarry where it comes up to Tremont Avenue, as, in his opinion, it is dangerous and the City has a definite liability.

The Mayor pro tem urged that some definite action be taken towards eliminating the nuisance and dangers of the Quarry condition.

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Whereupon, upon motion of Councilman Jordan and seconded by Councilman Albea, the Council unanimously consented to consider a motion on the question.

Councilman Daughtry moved that the City Manager be instructed to obtain permission of the owners of the Quarry property to proceed to fill the Quarry with run-of-the-mine garbage, as a basis for a land-fill operation when sufficient footing has been obtained to use machinery in the Quarry and that the work be immediately thereafter commenced. Motion was seconded by Councilman Wilkinson, and unanimously carried.

ADJOURNMENT.

Upon motion of Councilman Jordan, which unanimously carried, the meeting was adjourned.

Lucian R. Hoffman
City Clerk