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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 3, 1952, at 4 o'clock p.m., with Mayor pro tem Van Every presiding, and Councilmen Albea, Baxter, Boyd and Dellinger present.

Absent: Mayor Shaw and Councilmen Coddington and Jordan.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Dellinger, seconded by Councilman Baxter, and unanimously carried, the minutes of the last meeting on August 20th were approved as submitted.

PETITION FOR OPENING IN PLANTING STRIP IN FIRST BLOCK OF THE PLAZA WITHDRAWN

Mr. H. I. McDougale, Attorney for the Petitioners requesting a 30 ft. opening in the planting strip in the first block of The Plaza, advised that they desired to withdraw the petition, as it appears there is much objection among the neighborhood to the opening and the Petitioners were reluctant to press their request. Upon motion of Councilman Dellinger, seconded by Councilman Albea and unanimously carried, the Petition was authorized withdrawn.

CLAIM OF MRS. WALTER HAGEN FOR PROPERTY DAMAGED BY WATER TAKEN UNDER ADVISEMENT

Mrs. Walter Hagen advised that on March 3rd, the contents of the basement of her residence at 1701 Scotland Avenue were damaged by water backing up through the floor drain. She advised that investigation proved that the drain was connected to the Sanitary Sewer in Scotland Avenue and the heavy rain caused the water to back up several feet into the basement. Mrs. Hagen requested that the City reimburse her for the damages in the amount of \$200.00, and stated she had been advised by the City Attorney that her claim had been refused.

The City Attorney and City Manager advised that the drain should have been connected to the storm sewer and not the sanitary sewer and the damage did not result from any fault of the City and the City is without legal authority to pay such claim.

Following the discussion Councilman Baxter moved that Mrs. Hagen be reimbursed the \$200.00. The motion did not receive a second. Councilman Albea moved that the request be taken under advisement, which was seconded by Councilman Dellinger and unanimously carried.

RESOLUTION REGARDING ABANDONMENT OF RIGHTS OF THE PUBLIC IN A PORTION OF COMMONWEALTH AVENUE AND WESTMORELAND AVENUE (NOW OR FORMERLY) AND PECAN AVENUE DEFERRED ONE WEEK.

A resolution entitled "Resolution Abandoning Rights of the Public in a Portion of Commonwealth Avenue and Westmoreland Avenue (Now or Formerly) and Pecan Avenue", was presented, having been deferred from the last Council meeting. Mr. Hunter Jones, Attorney representing the Petitioner urged the passage of the resolution. The Council considered the matter and upon motion of Councilman Dellinger, seconded by Councilman Albea and unanimously carried, action was deferred for one week.

LEASE WITH SOUTHERN FLIGHT EXECUTIVE TERMINAL, INC. FOR BUILDING AND AREA AT DOUGLAS MUNICIPAL AIRPORT.

Councilman Baxter moved that a lease be entered into with Southern Flight Executive Terminal, Inc. for a building located at Douglas Municipal Airport, known as the old Troy Whitehead Hangar, and the Black Top Ramp area formerly occupied by the N. C. Automobile Inspection Unit, for a term of 10 years beginning September 1, 1952, at a monthly rental of \$500.00. The motion was seconded by Councilman Albea and unanimously carried.

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RESOLUTION WITH REGARD TO EXCAVATION UNDER SIDEWALKS AND STREET IN FRONT OF 118-128 NORTH COLLEGE STREET AND WITH REGARD TO PASSAGEWAY OVER THE NORTHERN PORTION OF HOWELL'S ARCADE, TO THE REAR OF 118-128 NORTH COLLEGE STREET.

A resolution entitled, "Resolution with Regard to Excavation Under Sidewalks and Street in Front of 118-128 N. College Street and with regard to Passageway over the Northern Portion of Howell's Arcade to the Rear of 118-128 North College Street", was introduced. Upon motion of Councilman Albea, seconded by Councilman Baxter, and unanimously carried, the resolution passed on its final reading. The resolution is recorded in full in Resolutions Book 2, at Page 27.

APPOINTMENT OF COLEMAN W. ROBERTS AS SPECIAL LICENSE CLERK.

Upon motion of Councilman Boyd, seconded by Councilman Baxter, and unanimously carried, Mr. Coleman W. Roberts was appointed Special License Clerk to handle the sale of 1953 City auto license tags, for one year beginning December 1st, at a fixed compensation of 10 cents per tag.

PLAT OF PORTION OF EPTING PROPERTY SUBDIVISION APPROVED.

Motion was made by Councilman Boyd, seconded by Councilman Albea, and unanimously carried approving the Plat of Portion of Epting Property Subdivision, located between Briar and Sugaw Creeks, and Tryvola Road east of Park Road and being developed by the owner W. M. Spurrier, 3000 Selwyn Avenue.

CONSTRUCTION OF SANITARY SEWER IN BANCROFT STREET.

Councilman Boyd moved approval of the construction of 195 feet of 8 inch sanitary sewer in Bancroft Street, at an estimated cost of \$485.00, to serve three business units, at request of McDevitt & Street Company. All cost to be borne by the City and applicant's deposit of \$80.00 to cover cost of excess cut for their convenience will not be refunded. Motion was seconded by Councilman Albea and unanimously carried.

CONTRACTS APPROVED FOR CONSTRUCTION OF WATER MAINS.

Upon motion of Councilman Dellinger, seconded by Councilman Boyd, and unanimously carried, Contracts for the construction of water mains at the following locations were approved:

- (a) Contract with A. T. Withrow for the construction of 3,719 feet of main in Oakdale Drive, outside the city limits, at an estimated cost of \$4,835.00, to serve 32 lots, with all costs borne by the applicant. Said main will become the property of the City if and when territory is incorporated.
- (b) Contract with American Trust Company for the construction of 5,803 feet of main and 8 fire hydrants in Lockwood Subdivision, inside the city, at an estimated cost of \$21,220.00, to serve 28 industrial lots. Applicant will finance all costs, and when revenue equals 5% of the cost for a 12 months continuous period, applicant will be reimbursed the total cost.
- (c) Contract with Edward M. O'Herron, Jr., for the construction of 230 feet of main in Bancroft Street, inside the city, at an estimated cost of \$1,150.00, to provide fire protection to industrial property between Plymouth Avenue and Armour Drive. Applicant will finance all cost and when revenue equals 5% of cost within a 12 months continuous period, applicant will be reimbursed the total cost.
- (d) Supplementary contract with John Crosland Company for the construction of 1,145 feet of main and one fire hydrant in Colonial Village Subdivision, at an estimated cost of \$2,850.00, to serve residential property. The City to finance all cost, and applicant will guarantee a gross annual water revenue equal to 10% of total cost.

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- (e) Contract with Marsh Realty Company for the construction of 4,960 feet of main and 3 hydrants in Marsh Estates, property abutting on Marlborough Roads East and West, at an estimated cost of \$10,275.00, to serve residential property. City to finance all cost, and applicant will guarantee a gross annual water revenue equal to 10% of cost.

CONTRACT AWARDED CAROLINA SASHWEIGHT CO. INC. FOR VALVE BOXES.

Upon motion of Councilman Boyd, seconded by Councilman Albea, and unanimously carried, contract was awarded to Carolina Sashweight Company, Inc., for 100 No. 1 and 100 No. 2 Valve Boxes complete, as specified, at a net delivered price of \$1,296.90.

CONTRACT AWARDED BURROUGHS ADDING MACHINE COMPANY FOR BOOKKEEPING MACHINE.

Motion was made by Councilman Dellinger, seconded by Councilman Baxter, and unanimously carried awarding contract to the Burroughs Adding Machine Company for One Bookkeeping Machine, as specified, at a net delivered price of \$2,187.00.

CONTRACT AWARDED ELECTRICAL MODERNIZATION COMPANY FOR ELECTRICAL LIGHTING SYSTEM IN WEST FIFTH STREET CEMETERY.

Upon motion of Councilman Boyd, seconded by Councilman Albea, and unanimously carried, contract was awarded the Electrical Modernization Company, to furnish and install complete the electrical lighting system in the West Fifth Street Cemetery, in accordance with plans and specifications, at a total price of \$2,758.00.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

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

- (a) One 30 ft. entrance at 308 West Boulevard.
 (b) One 22 ft. entrance on W. Morehead Street and One 28 ft. and One 30 ft. entrance on Walnut Avenue, all for 1601-03 West Morehead Street.
 (c) One 15 ft. entrance at 843 N. Tryon Street.
 (d) The following driveway entrances are requested for the Southern Dairies, Inc.:
- | | |
|--|--|
| One 35 ft. entrance at 1129 Hutchinson Avenue. | |
| One 35 ft. " " 1133 " " | |
| One 40 ft. " " 1135 " " | |
| One 30 ft. " " 1139 " " | |
| One 30 ft. " " 1141 " " | |
| Two 30 ft. " " 1200 Statesville Avenue | |
- (e) One 30 ft. entrance at 508 North Tryon Street.

RENEWAL OF SPECIAL OFFICER PERMIT TO ONNIE MOSES HILL.

Councilman Dellinger moved the renewal of Special Officer Permit to Onnie Moses Hill, 1719 Euclid Avenue, for use on the premises of Rulane Gas Company and Charlotte Tank Company, Border Drive. Motion was seconded by Councilman Baxter, and unanimously carried.

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LEASES OF AIRPORT BUILDINGS.

The City Manager reported that Leases have been concluded on the following buildings at Douglas Municipal Airport:

<u>BUILDING NO.</u>	<u>LESSEE</u>	<u>MONTHLY RENTAL</u>	<u>DATE</u>	<u>TERM OF LEASE</u>
259	Draco Furnace Company	\$26.25	6-1-52	One year renewal
242	Draco Furnace Company	54.75	7-1-52	One year renewal
68	Carolina School Supply Co.	99.90	8-1-52	One year renewal
319	Display Fixtures Company	10.00	8-1-52	One year
116	" " "	30.00	8-1-52	One year
117	" " "	96.39	8-1-52	One year
287 (part)	Earl Whisnant Hosiery Co.	22.56	8-1-52	One year
213	Carolina Machinery Co.	27.00	8-16-52	One year renewal

TRANSFER OF CEMETERY LOTS:

Upon motion of Councilman Albea, 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 S. P. Polakiewics for southeast quarter of Lot 132, in Section 3, Evergreen Cemetery, at \$26.00.
- (b) Deed to John G. Alexander, for Lot 198, in Section 4-A, Evergreen Cemetery, at \$81.90.
- (c) Deed to C. H. Sinclair and wife, for Lot 221, in Section 4-A, Evergreen Cemetery, at \$81.90.
- (d) Perpetual Care Deed to Miss Ellie Brissie, for Lot 87, in Section S, Elmwood Cemetery, at \$144.00.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, RELATIVE TO PETITION OF DUKE POWER COMPANY TO THE NORTH CAROLINA UTILITIES COMMISSION FOR AN INCREASE IN BUS FARES TO BE CHARGED BY SAID COMPANY IN CHARLOTTE, NORTH CAROLINA, REJECTED BY COUNCIL.

The following Resolution was introduced by Councilman Boyd:

"RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, RELATIVE TO PETITION OF DUKE POWER COMPANY TO THE NORTH CAROLINA UTILITIES COMMISSION FOR AN INCREASE IN BUS FARES TO BE CHARGED BY SAID COMPANY IN CHARLOTTE, NORTH CAROLINA.

WHEREAS, the Duke Power Company, a corporation, is a public utility in North Carolina and has, among other things, the exclusive operation of public busses for public transportation of passengers over fixed routes and under such schedules over the streets in the City of Charlotte, North Carolina, and,

WHEREAS, this said corporation, by and with the approval of the City Council of the City of Charlotte, has just recently arranged to curtail a considerable part of its service heretofore existing in the City of Charlotte by changing certain routes and reducing the scheduled runs of its busses from fifteen and twenty minute intervals in many sections of the city to intervals of one hour, and by taking off service entirely on certain routes after certain hours on Sundays and holidays for six months trial period, and,

WHEREAS, since the approval of the above reduction and curtailment of its services, the said Duke Power Company has filed a Petition with the Utilities Commission of North Carolina to increase its fares charged for bus transportation service in the City of Charlotte, and,

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WHEREAS, the increase of fares is a matter of public interest to the citizens of Charlotte effecting the general public, and it is the duty of the Governing Body of the City of Charlotte to guard the public interest in this matter, but, whereas, under the law, the duty, responsibility, power and authority to fix the amount of fares charged by this public utility is vested in the State Utility Commission as the impartial representative of the Petitioner as well as the citizens of Charlotte.

NOW, THEREFORE, in behalf of the citizens of Charlotte, who will be effected by any increase of bus fares to be charged here, the City Council of the City of Charlotte, North Carolina, in regular session respectfully urges the North Carolina Utilities Commission to represent and protect the rights and interest of our citizens here in this matter, whether the City is officially represented at your hearing or not, and we particularly urge a careful investigation of this Petition in view of the curtailment of service which this company is planning to put into effect, and,

BE IT FURTHER RESOLVED, that a certified copy of this Resolution, bearing the Official Seal of the City of Charlotte, be sent to the Chairman of the said Commission in Raleigh, North Carolina.

This the 3rd day of September, 1952."

Councilman Boyd moved the adoption of the resolution, which was seconded by Councilman Albea and motion lost, with the votes cast as follows:

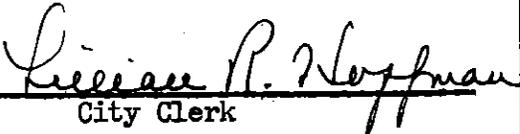
AYE: Councilmen Boyd and Albea

NAY: Councilman Baxter

Councilman Dellinger recorded as not voting.

ADJOURNMENT.

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



City Clerk