

December 29, 1954
Minute Book 35 - Page 424

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Wednesday, December 29, 1954, at 4 o'clock p.m., with Mayor Van Every presiding, and Councilmen Albea, Baxter, Boyd, Brown, Dellinger and Wilkinson present.

Absent: Councilman Smith.

INVOCATION.

The invocation was delivered by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Wilkinson, seconded by Councilman Baxter, and unanimously carried, the Minutes of the last meeting on December 15th were approved as submitted.

RESOLUTION PROVIDING FOR A PUBLIC HEARING ON JANUARY 28, 1955 ON PETITION OF ERVIN CONSTRUCTION COMPANY AND DAVID CLARK AND WIFE FOR THE ANNEXATION OF 92.56 ACRES OF PROPERTY IN CRAB ORCHARD TOWNSHIP TO THE CITY OF CHARLOTTE.

The City Manager reported that the following petition of Ervin Construction Company and David Clark and wife, Aileen B. Clark, was filed with the City Clerk by Mr. Ben Horack, Attorney, on December 23, 1954, for the annexation to the City of Charlotte of 92.56 acres of property in Crab Orchard Township, contiguous to the north-eastern boundary of the city:

"PETITION FOR ANNEXATION OF CERTAIN
PROPERTY TO THE CITY OF CHARLOTTE

TO THE HONORABLE MAYOR AND MEMBERS OF THE
CITY COUNCIL OF THE CITY OF CHARLOTTE:

The undersigned do hereby petition, pursuant to the provisions of Chapter 725 of the 1947 Public Session Laws of the General Assembly of North Carolina (G.S. 160-445 et seq.), for the annexation to the City of Charlotte of the property hereinafter referred to and do show as follows:

1. That the property sought to be annexed to the City of Charlotte and to thereby be and become within the boundaries and limits of said city, is located in Crab Orchard Township, Mecklenburg County, North Carolina, and adjoins Eastway Drive and the present city limits line of the City of Charlotte, North Carolina, said property to be annexed being more particularly described as follows:

BEGINNING at a point in the center line of Eastway Drive, located on the bridge crossing Briar Creek (said beginning point being located at the Northeasterly corner of that certain 23.67 acre tract conveyed by deed dated August 20, 1954 and recorded in Book 1700 at page 365, from Esten M. Bohannon to Charles C. Ervin) and runs thence from said beginning point with the center line of Eastway Drive in a southerly direction in three courses and distances as follows: (1) S. 1-57-30 W. 1243.0 feet; (2) following the arc of a curve to the right, said curve having a radius of 975.72 feet, a distance of 508.14 feet, and (3) S. 31-48 W. 1053.04 feet to a point located in the center line of Eastway Drive; thence N. 58-13 W. 777.26 feet to an iron; thence N. 37-01-40 W. 200.0 feet to an iron located in the southeasterly line of the property conveyed by deed dated November 15, 1954 from Harry L. Dalton and wife, to Charles C. Ervin, which deed is now duly filed for registration in the Mecklenburg Registry; thence S. 52-57-10 W. 517.91 feet to a point in the present city limits line of the City of Charlotte, North Carolina; thence with the present Charlotte city limits line in three courses and distances as follows: (1) N. 15-46-20

December 29, 1954
Minute Book 35 - Page 425

W. 1570.36 feet to a point; (2) N. 30-00-30 E. 127.28 feet to an iron, and (3) N. 40-55-10 E. 242.85 feet to a point in the present Charlotte city limits line; thence N. 40-55-10 E. 81.66 feet to an iron; thence S. 80-15-50 E. 419.93 feet to an iron located in the center line of Briar Creek; thence with the center line of Briar Creek in 20 courses and distances as follows: (1) N. 56-44-30 E. 92.57 feet (2) N. 60-44-30 E. 100.0 feet (3) N. 69-49-30 E. 101.27 feet (4) N. 61-53-30 E. 100.02 feet (5) N. 48-52-30 E. 102.18 feet (6) N. 58-27-30 E. 100.08 feet (7) N. 77-57-50 E. 145.32 feet (8) S. 80-59-30 E. 95.64 feet (9) N. 76-13-30 E. 63.13 feet; (10) S. 69-13-30 E. 100.41 feet (11) S. 60-52-30 E. 102.84 feet (12) S. 68-39-30 E. 100.50 feet (13) S. 80-09-20 E. 70.49 feet (14) N. 71-02 E. 28.18 feet (15) N. 33-42-30 E. 76.12 feet (16) N. 43-32-30 E. 100.0 feet (17) N. 45-32-20 E. 114.46 feet (18) N. 63-17-50 E. 100.25 feet (19) N. 58-15-30 E. 124.59 feet (20) N. 72-42-50 E. 109.40 feet to the point and place of beginning, containing 92.56 acres, according to survey of Harry P. Davis and Associate, Engineers, dated October, 1954.

II. That the above described property is owned by Ervin Construction Company, Incorporated, with the exception of that certain .09 acre parcel adjoining the present city limits line of the City of Charlotte as shown on map or plat filed herewith and made a part of this petition, which .09 acre parcel is owned by David Clark and wife, Aileen B. Clark.

III. That the above described property is contiguous to the present corporate limits of the City of Charlotte, and is not embraced within the corporate limits of any other municipality.

IV. That Ervin Construction Company, Incorporated is planning to sub-divide the above described property (with the exception of the .09 acre parcel owned by David Clark and wife, Aileen B. Clark) into an attractive residential area in the near future; that it is anticipated that within the near future approximately 250 residences will be constructed upon said property; that the residences to be constructed upon said property will cost from \$10,000 to \$20,000 each, and that streets and other valuable improvements will be constructed within said subdivision.

V. That your petitioners pray that the above described property be annexed to and included in the corporate limits of the City of Charlotte, North Carolina.

WHEREFORE, your petitioners pray that notice be given as provided by Section 1, Chapter 725 of the 1947 Public Session Laws of the General Assembly of North Carolina (G. S. 160-445) and that an ordinance be adopted at a Session of the City Council of the City of Charlotte called for that purpose extending the corporate limits of the City of Charlotte by annexing thereto the property described in this petition as therein provided.

This 22nd day of December, 1954.

ERVIN CONSTRUCTION COMPANY, INCORPORATED

BY Charles C. Ervin
President

ATTEST:

David Clark

Nat W. Purser, Jr.
Secretary

Aileen B. Clark

I do hereby certify that the property described in the foregoing Petition is contiguous to the present corporate limits boundary of the City of Charlotte, N. C.

Lloyd G. Richey,
City Engineer

December 29, 1954
Minute Book 35 - Page 426

RE: PETITION OF ERVIN CONSTRUCTION COMPANY, INCORPORATED
AND DAVID B. CLARK AND AILEEN B. CLARK FOR THE ANNEXATION
OF CERTAIN PROPERTY OR TERRITORY TO THE CITY OF CHARLOTTE.

TO THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA:

I hereby certify that from my examination of the record title, Ervin Construction Company, Incorporated, and David B. Clark and Aileen B. Clark are the owners of all of that certain property described in petition dated December 22, 1954, relative to the annexation of said property to the city limits of the City of Charlotte, North Carolina.

This the 22nd day of December, 1954.

Benj. S. Horack
Attorney "

Following the reading of the Petition, a resolution entitled: "Resolution Authorizing the Publication of Notice that the City Council will consider the Annexation of Certain Property in Crab Orchard Township at their meeting to be held on January 28, 1955" was introduced and read.

Councilman Baxter moved the adoption of the resolution, and that a copy of the petition be filed with the Board of School Commissioners of Charlotte. The motion was seconded by Councilman Albea, and unanimously carried.

Mr. Ben Horack, who was present, advised that he would file a copy of the petition with the Board of School Commissioners, as requested.

The resolution is recorded in full in Resolutions Book 2, at Page 256.

INVESTIGATION DIRECTED MADE BY CITY MANAGER OF COST TO CITY OF MAKING REPAIRS TO SEWER LINE CONNECTIONS FROM MAIN SEWER IN CITY STREETS TO RESIDENCES.

Mr. G. L. Lingle, 424 Hermitage Court, again appeared before Council and asked what decision had been made to his request that the City bear the expense of the repairs of the break in the 38 feet of sewer line between his property line and the main sewer in the center of Hermitage Court, which could have only been caused by heavy traffic passing over the line.

Mr. Yancey again advised that the break was in the connecting line from the main sewer to the residence of Mr. Lingle and that it is, and has always been the policy here, as well as in other cities, that the property owner assume responsibility for any repairs to the connecting line. He stated further that a change in this policy would establish a precedent that would cost the City thousands of dollars annually.

Following the discussion, in which Councilmen Brown, Boyd and Dellinger expressed the view that this is merely a policy of the City and not a law, and that unless the property owner is directly responsible for the damage to the line, it would appear unfair for him to be liable for the cost of repairs.

Councilman Dellinger moved that the City Manager investigate the cost to the city annually for making such repairs and make a report to the Council. The motion was seconded by Councilman Boyd and unanimously carried.

December 29, 1954
Minute Book 35 - Page 427

CHARLOTTE AERO ASSOCIATION FILES STATEMENT OPPOSING RECOMMENDATION OF CITY'S AIRPORT ADVISORY COMMITTEE REGARDING USE OF AIRPORT PROPERTY AND REQUESTS THAT A PROFESSIONAL PLANNING STUDY OF THE AIRPORT BE MADE PRIOR TO THE LEASING OF THE PROPERTY.

Mr. Sam C. Hair, Chairman of the Airport Planning Committee of The Charlotte Aero Association, appeared before Council and presented a statement from the Association, in which they expressed opposition to the recommendations of the City's Airport Advisory Committee in connection with the long-range Airport Plan. The Association urged that a professional planning study of the Airport be made before airport property is leased to anyone, and that plans be made to provide for the advent of developments in aviation in Charlotte along the lines of the use of helicopters, jet transports, air freight lines and additional commercial lines.

Councilman Albea moved that the statement be accepted as information and filed for future consideration. The motion was seconded by Councilman Wilkinson, and unanimously carried.

SALARY INCREASES APPROVED FOR EMPLOYEES IN POSITIONS JOINTLY FINANCED BY CITY OF CHARLOTTE AND MECKLENBURG COUNTY.

Councilman Brown moved that the Council comply with the request of the Board of Commissioners of Mecklenburg County for approval of the increase in salaries of employees in positions jointly financed by the City of Charlotte and Mecklenburg County, in the total amount of \$4,688.96 by the City for the current year ending June 30, 1955, and that the sum be allocated from the City's Emergency Fund. The motion was seconded by Councilman Dellinger, and unanimously carried.

RESOLUTION AUTHORIZING PERMANENT IMPROVEMENTS ON COUNTRY CLUB DRIVE, PASSED ON FIRST READING.

Councilman Boyd moved that the improvements to be made on Country Club Drive be financed with Powell Bill Funds and no benefits be assessed against the property owners, and that the City Attorney draw the proper resolution, to be passed at two different Council Meetings, and that the Council find this improvement to be in the public interest. The motion was seconded by Councilman Dellinger, and unanimously carried.

The resolution to this effect was then drawn by the City Attorney, entitled: "Resolution Authorizing Permanent Improvements on Country Club Drive, between Anne Street and the end of the Existing Pavement on Country Club Drive toward Matheson Avenue", and was introduced and read. Councilman Boyd moved the adoption of the resolution on its first reading, which was seconded by Councilman Dellinger, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 257.

RESOLUTION AUTHORIZING THE ADVERTISEMENT OF NOTICE THAT RESOLUTION AUTHORIZING PERMANENT IMPROVEMENTS ON COUNTRY CLUB DRIVE WILL BE CONSIDERED AT MEETING ON FRIDAY, JANUARY 7, 1955.

A resolution entitled: "Resolution Authorizing the Advertisement of Notice of Resolution Authorizing Permanent Improvements on Country Club Drive, between Anne Street and the end of the Existing Pavement on Country Club Drive toward Matheson Avenue", fixing the date of hearing on January 7, 1955, was introduced and read. Councilman Boyd moved the adoption of the resolution, which was seconded by Councilman Baxter, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at page 258.

AMENDMENTS TO RULES AND REGULATIONS OF POLICE AND FIRE DEPARTMENTS REQUESTED BY CHIEFS OF DEPARTMENTS AND RECOMMENDED BY THE CIVIL SERVICE COMMISSION, THAT THE MISSTATEMENT OF FACT IN THE APPLICATION FOR EMPLOYMENT WILL BE GROUNDS FOR DISMISSAL, ADOPTED.

Requests were presented from the Chiefs of the Police and Fire Departments for Council approval of the following Amendments to the Rules and Regulations of the two departments to provide that the misstatement of fact in the application for employment to the Civil Service Commission

December 29, 1954
Minute Book 35 - Page 428

would be grounds for dismissal from the employment of the City, which amendments are recommended by the Civil Service Commission.

Amendment to the Rules and Regulations of the Police Department

Amend Rule VIII, Section 1-18, by adding at the end thereof, the following:

"Including statements made in the application signed for employment by the City of Charlotte with the Civil Service Commission".

Amendment to the Rules and Regulations of the Fire Department

Amend Rule No. 16, by inserting after Article 12 thereof, a new section numbered Article 13, reading as follows:

"For falsely making statements in his application to the Civil Service Commission for employment by the City of Charlotte with respect to the matters contained in such application."

Councilman Wilkinson moved that the amendments be approved as recommended and presented. The motion was seconded by Councilman Brown, and unanimously carried.

CONSTRUCTION OF NEW SANITARY SEWER MAINS AUTHORIZED.

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

- (a) 60-ft. of 8-inch sewer main in West Street, to serve one family unit and one vacant lot, at an estimated cost of \$100.00, which will be borne by the City.
- (b) 169-ft. of 8-inch sewer main in Anne Street, to serve one family unit and one vacant lot, at an estimated cost of \$580.00. All costs to be borne by the City and applicant's required deposit of \$180.00 being part of the cost, will not be refunded.
- (c) 182-ft. of 8-inch sewer main in Foster Street, to serve three business units, at an estimated cost of \$600.00, which will be borne by the City.

CONSTRUCTION OF DRIVEWAY ENTRANCES APPROVED.

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

- (a) One 35-ft. driveway at 2315 Central Avenue.
- (b) One 12-ft. driveway at 3917 Selwyn Avenue
- (c) Extend present 8.5 ft. driveway 26.5 ft. making a total 35-ft. driveway at 1415 Central Avenue

CONTRACT AWARDED S. MORGAN SMITH COMPANY FOR SEVEN CONE VALVES.

Councilman Albea moved that contract be awarded the low bidder, S. Morgan Smith Company, for One 30-inch, Five 24-inch and One 16-inch Cone Valves, manually operated, as specified, at a total net delivered price of \$39,735.00. The motion was seconded by Councilman Wilkinson, and unanimously carried.

December 29, 1954
Minute Book 35 - Page 429

CONTRACT AWARDED THE HAGAN CORPORATION FOR TWO INDUSTRIAL WASTE METERING UNITS AND ONE WEIR PLATE.

Motion was made by Councilman Brown, seconded by Councilman Wilkinson, and unanimously carried, awarding contract to The Hagan Corporation for Two Industrial Waste Metering Units and One extra stainless steel Weir Plate, as specified, at a total net delivered price of \$8,294.00.

CONTRACT AWARDED HARDY & NEWSOM, INC. FOR MANHOLE RINGS AND COVERS.

Upon motion of Councilman Boyd, seconded by Councilman Dellinger, and unanimously carried, contract was awarded the low bidder, Hardy & Newsom, Inc., for 150 Manhole Rings and Covers, machined, as specified, on a unit price basis, representing a total price of \$3,427.50, less cash discount of \$68.55, or a net delivered price of \$3,358.95.

CONTRACT AWARDED SUPERIOR CABLE CORPORATION FOR CONDUCTOR CABLE.

Councilman Wilkinson moved the award of contract to the low bidder, Superior Cable Corporation, for 5,000 ft. of #14 solid Twelve Conductor Traffic Cable, according to IMSA specifications of #19 and #20, as specified, at a total price of \$1,135.00, subject to one-half of 1% cash discount. The motion was seconded by Councilman Albea, and unanimously carried.

CONTRACTS AWARDED ON YEARLY SUPPLY OF CHEMICALS.

Motion was made by Councilman Dellinger, seconded by Councilman Wilkinson, and unanimously carried, awarding contracts for a yearly supply of Chemical as follows:

Section I.

Contract awarded American Cyanamid Company for 270 tons Aluminum Sulphate as specified, to be shipped in 90,000# cars as ordered, on a unit price basis of \$45.80 per ton, representing a net delivered price of \$12,366.00.

Section II.

Contract awarded Tucker-Kirby Company for 420 tons Hydrated Lime, as specified, on a unit price basis of \$18.93 per ton, representing a net delivered price of \$7,950.60.

Section III.

Contract awarded Tesco Chemicals, Inc., for 10 Tons Anhydrous Ammonia, as specified, on a unit price basis of \$280.00 per ton, representing a net delivered price of \$2,800.00.

Section IV.

Contract awarded Southern States Chemical Company, for 20 Tons Activated Carbon, as specified, on a unit price basis of \$156.35 per ton, representing a net delivered price of \$3,127.00.

Section V.

Contract awarded General Chemical Division, Allied Chemical & Dye Corporation, for 70 Tons of Sodium Fluoride, as specified, on a unit price basis of \$14.45 cwt., representing a net delivered price of \$20,230.00.

LEASE OF BUILDING #47 DOUGLAS MUNICIPAL AIRPORT TO MR. IVAN CHASE.

The City Manager reported that the lease of Building #47 at Douglas Municipal Airport to Mr. Ivan Chase has been concluded, which is for a period of one year, at a monthly rental of \$25.80.

ADJOURNMENT.

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

Lillian R. Chapman
City Clerk