

February 16, 1955
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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, February 16, 1955, at 4 o'clock p.m., with Mayor pro tem Smith presiding, and Councilmen Albea, Baxter, Boyd, Brown, Dellinger and Wilkinson present.

Absent: Mayor Van Every.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Brown, seconded by Councilman Wilkinson, and unanimously carried, the Minutes of the last meeting on February 9th, were approved as submitted.

PIEDMONT JURNIOR HIGH SCHOOL CIVICS CLASS PRESENT.

Some 25 students from the Civics Class at Piedmont Junior High School attended Council Meeting to watch the democratic operations of the City Council. Mayor pro tem Smith invited any of the members to address the City Council who wished to and Miss Mary Gross explained to the Council that they were members of the Civics Class at Piedmont Junior High School taught by Mrs. Ruth Jones. Miss Gross gave her name after being told it was wanted so as to be incorporated in the Minutes.

RESOLUTION AUTHORIZING AND DIRECTING THE SALE OF APPROXIMATELY 85 SQ. FT. OF LAND NEAR THE INTERSECTION OF STONEWALL STREET AND INDEPENDENCE BOULEVARD TO VARDRY L. SPENCER AND WIFE.

Mr. Albert E. Foster, Attorney, appeared before Council and requested that that portion of the property that the City purchased from B. L. Spencer and wife for right-of-way for Independence Boulevard and not used be conveyed back to the original owners at \$1.00 per square foot, the same price and conditions on which the property was conveyed back to T. M. Bryan and wife as result of law suit. Mr. Foster submitted a Resolution, which had previously been reviewed by the City Attorney who acknowledged it as in order. The resolution entitled: "Resolution Authorizing and Directing the Sale of Approximately 85 Sq. Ft. of Land Near The Intersection of Stonewall Street and Independence Boulevard To Vardry L. Spencer and Wife" was introduced and read. Councilman Brown moved the adoption of the resolution. The motion was seconded by Councilman Albea and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at pages 271-272.

PETITION PRESENTED FOR AMENDMENT TO ZONING ORDINANCE TO CHANGE ZONING FROM R-2 TO B-1 ON PROPERTY ON STATESVILLE AVENUE.

Mr. Marvin Ritch, Attorney, appeared before the Council to request that a date be set for a Hearing for change in Zoning from R-2 to B-1 for all of block 6 of Statesville Avenue as shown on map, Block 6, Douglas Terrace, recorded in Mecklenburg County Registry, Book 3, Page 332. Upon inquiry, Mr. Ritch stated that the Board of Adjustment had politely turned down this request and did not appear to be too concerned one way or the other. He explained that the Carters were in destitute circumstances and that this change would enable them to dispose of part, if not all, of this property to the betterment of this family. Councilman Dellinger moved that the necessary papers be drawn, providing for the Advertising of Notice and fixing the date of Hearing, and be presented to Council for adoption. The motion was seconded by Councilman Baxter and passed unanimously.

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SMOKE ABATEMENT PROGRAM TO BE REVIVED.

The following statement was presented and read by Councilman Boyd, who requested that it be incorporated in the Minutes:

"Mr. Mayor & Gentlemen of the Council:

'Make the Queen City A Clean City' is a slogan to which we should all subscribe.

The effectiveness of that slogan includes the elimination of the undesirable odors which come from Sugar Creek. Our new Sewage Disposal Plant south of the City will be ready for operation in June. Under an Ordinance already adopted, all depositors of deleterious substances into Sugar Creek will be required to pre-treat their substances and dispose of it thru our sewer lines instead of thru the creek as heretofore. The enforcement of that Ordinance by the City Council is a must, and all business enterprises have already been notified to get ready to comply with that Ordinance.

The effectiveness of the above slogan also includes the elimination of smoke and smog in our midst - the re-establishment of a Smoke Abatement Program, if you please.

Our Smoke Abatement Program died in September 1952 - some citizens say that was due to Council 'politics' - maybe so! I plead guilty to my part in allowing the program to die. The resignation of our Smoke Abatement Engineer was the result of a disagreement between him and the Council as to the manner and method of enforcement of the Ordinance. There is no need to rehearse or debate the reasons for discontinuing this program. As The Charlotte Observer Editor so aptly put it a few days ago - The important question is: 'How do we get the program revived?'

There is no use for somebody to cry 'politics'. I am man enough to admit that I think it was a mistake to have let the program die in 1952. If there is a need and a demand for this program, and I think there is, then it is the responsibility of the City Council to revive it. Regardless of what some people may say, I am not trying to resurrect this program now for the purpose of trying to get votes for myself. Events of the next few days or weeks will prove this. So there is no point in crying 'politics'.

Several weeks ago Councilman Dellinger proposed a revival of this program and for several months Mayor pro tem James S. Smith has been investigating and working on the idea of re-establishing a Smoke Abatement Program here. Mr. Smith has been promised the advisory services of a successful Smoke Abatement Engineer in a near by City to come here and tell us about his program in that City. This program involves education, common sense, co-operation, preparation, as well as enforcement.

I move that this Council go on record now as endorsing the re-establishment of a Smoke Abatement Program here; that Mayor pro tem Smith be requested to arrange a conference as early as possible with the gentleman he has been conferring with so that we may have the benefit of his suggestions; that the City Manager be requested, in the meantime, to try to find a suitable and competent man as Smoke Abatement Engineer."

The motion was seconded by Councilman Brown and passed unanimously.

RESOLUTION REQUESTING CITY SCHOOL BOARD TO VACATE SPACE OCCUPIED AT CITY HALL ON OR BEFORE JULY 1, 1956.

A resolution entitled: "Resolution Requesting City School Board To Vacate Space Occupied At City Hall On Or Before July 1, 1956" was introduced and read. Councilman Baxter moved the adoption of the resolution, which was seconded by Councilman Dellinger and unanimously carried.

The resolution is recorded in full in Resolutions Book 2, at Page 273.

RESOLUTION AUTHORIZING THE CITY ATTORNEY TO CONTACT BOND ATTORNEYS WITH RESPECT TO \$9,088,000.00 BOND ELECTION ON MAY 3, 1955.

A resolution entitled: "Resolution Authorizing The City Attorney To Contact Bond Attorneys With Respect To \$9,088,000.00 Bond Election On May 3, 1955" was introduced and read. Councilman Baxter moved the adoption of the resolution. The motion was seconded by Councilman Albea, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 274.

ORDINANCE NO. 247 AMENDING TAXICAB ORDINANCE TO PROVIDE FOR DIFFERENT COLOR SCHEME FOR THE DIAMOND CAB COMPANY, OWNED AND OPERATED BY BEATTY SERVICE COMPANY, DEFERRED ONE WEEK.

Councilman Boyd moved that action on Ordinance No. 247 Amending Taxicab Ordinance to Provide for Different Color Scheme for the Diamond Cab Company, owned and operated by Beatty Service Company, be deferred for one week. The motion was seconded by Councilman Dellinger and passed unanimously.

RESOLUTION ADOPTED PROVIDING FOR PUBLIC HEARING ON MARCH 2nd ON AMENDMENT TO ZONING ORDINANCE TO INCLUDE "KINDERGARTENS, DAY NURSERIES" AMONG THE STRUCTURES PERMITTED IN A RESIDENCE-2 DISTRICT.

Ordinance No. 248 Amending the Zoning Ordinance to include "Kindergartens, day nurseries" among the structures permitted in a Residence-2 district was introduced. Following the reading thereof, a Resolution Providing for a Public Hearing on the Ordinance on March 2nd, was presented and read. Upon motion of Councilman Brown, seconded by Councilman Wilkinson, and unanimously carried, the resolution was adopted. The resolution is recorded in full in Resolutions Book 2, at Page 275.

CONTRACT WITH GEORGE C. SCOTT & COMPANY FOR ANNUAL AUDIT FOR FISCAL YEAR 1954-55.

Councilman Dellinger moved that contract be authorized with George C. Scott & Company for the annual audit of the City's accounts for the fiscal year 1954-55, at a price of \$7,000.00. The motion was seconded by Councilman Brown, and unanimously carried.

RIGHT-OF-WAY AGREEMENT BETWEEN STATE HIGHWAY & PUBLIC WORKS COMMISSION AND AMERICAN INVESTMENT COMPANY AUTHORIZED CO-SIGNED BY CITY FOR INSTALLATION OF WATER MAIN IN SHARON AMITY ROAD.

Upon motion of Councilman Wilkinson, seconded by Councilman Albea, and unanimously carried, the Mayor and City Clerk were authorized to co-sign agreement between the State Highway & Public Works Commission and American Investment Company for the installation of a 2-inch water main in the Sharon Amith Road.

SUPPLEMENTARY CONTRACT WITH AMERICAN INVESTMENT COMPANY FOR CONSTRUCTION OF ADDITIONAL WATER MAINS IN PROVIDENCE VILLAGE.

Motion was made by Councilman Albea, seconded by Councilman Dellinger and unanimously carried, authorizing a supplementary contract to contract dated March 17, 1954, with American Investment Company for the construction of 550 feet of 2-inch water mains in Providence Village, outside the city limits, to serve residential property, at an estimated cost of \$825.00. The applicant to pay all cost and own the mains until the territory is taken into the City.

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CONSTRUCTION OF SANITARY SEWER MAIN IN SNOWBALL STREET AUTHORIZED.

Councilman Wilkinson moved approval of the construction of 200 feet of sanitary sewer main in Snowball Street, to serve 7 family units, at an estimated cost of \$1,330.00, with all cost to be borne by the City. The motion was seconded by Councilman Brown, and unanimously carried.

CONTRACT WITH FRED J. WIGGINS FOR WATER MAINS CONSTRUCTION IN FREELAND PARK AUTHORIZED.

Motion was made by Councilman Dellinger, seconded by Councilman Baxter, and unanimously carried, authorizing a contract with Fred J. Wiggins for the construction of 2,650 ft. of water mains and one hydrant, in Freeland Park, outside the city limits, to serve residential property, at an estimated cost of \$6,125.00. All cost to be borne by the applicant, who will dedicate the mains to the City of Charlotte upon acceptance by the City.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

Upon motion of Councilman Albea, seconded by Councilman Dellinger, and unanimously carried, the construction of driveway entrances at the following locations was authorized:

- (a) One 30-ft. and One 35-ft. driveway at 115, 119 and 121 Shuman Avenue.
- (b) One 35-ft. driveway on South Church Street for 137 West Trade Street.
- (c) Two 30-ft. driveways at 3314 Independence Boulevard.

LEASE OF LAND AT AIRPORT TO GULF OIL CORP. FOR STORAGE PURPOSES AUTHORIZED RENEWED.

Councilman Wilkinson moved approval of the renewal of lease with Gulf Oil Corp. for land used for storage purposes at the Airport, for 5 years from May 1, 1957 to April 30, 1962, at a rental of \$50.00 per annum. The motion was seconded by Councilman Baxter and unanimously carried.

LEASE OF AIRPORT BUILDING NO. 244 TO AL CRISLER REPORTED.

The City Manager reported that the lease of Airport Building No. 244 to Al Crisler, for storage purposes, at a monthly rental of \$25.00, for a period of one year, has been concluded.

TRANSFER OF CEMETERY LOT.

Upon motion of Councilman Boyd, seconded by Councilman Albea, and unanimously carried, the Mayor and City Clerk were authorized to execute a deed for the transfer of Grave #4, Lot 120, Section 3, Evergreen Cemetery, to Mrs. Lilly DeLamater, at a cost of \$40.00.

HOLIDAY GRANTED EMPLOYEES ON FEBRUARY 22ND, IN OBSERVANCE OF WASHINGTON'S BIRTHDAY.

Motion was made by Councilman Brown, seconded by Councilman Albea, and unanimously carried, granting a holiday to City Employees on Tuesday, February 22nd, in observance of Washington's Birthday, in accordance with General Statutes 103-4.

SICK LEAVE EXTENSION TO APRIL 16, 1955 FOR CAPTAIN J. E. FERGUSON OF THE FIRE DEPARTMENT APPROVED.

The City Manager advised that Captain J. E. Ferguson, an employee of the Fire Department since December 3, 1925, has been confined to the hospital and his home due to a heart condition and his accumulated sick leave has expired, and it is recommended that the sick leave be extended to April 16, 1955. Upon motion of Councilman Dellinger, seconded by Councilman Wilkinson, and unanimously carried, the extension was approved.

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SICK LEAVE EXTENSION TO APRIL 1, 1955 FOR FIREMAN H. C. BECK OF THE FIRE DEPARTMENT APPROVED.

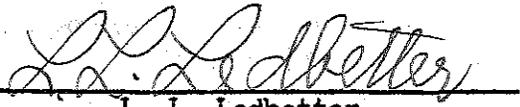
The City Manager advised that Fireman H. C. Beck, an employee of the Fire Department since February 15, 1943, has been confined to the hospital and his home as a result of a surgical spine fusion and his accumulated sick leave has expired and it is recommended that the sick leave be extended to April 1, 1955. Councilman Brown moved the extension of the sick leave to April 1, 1955. The motion was seconded by Councilman Dellinger and unanimously carried.

SALARY INCREASE FOR DONALD MCCAFFERTY OF THE CITY-COUNTY TAX ASSESSING OFFICE APPROVED.

Councilman Brown moved that the salary of Mr. Donald McCafferty, an employee of the Tax Supervisor's office, be increased from \$350.00 to \$365.00 to allow for raise of \$50.00 at the expiration of 6 months service and 5% increase as given to other employees of the County Government, as recommended by Mr. S. Y. McAden, Chairman of Board of County Commissioners. The motion was seconded by Councilman Dellinger and unanimously carried.

ADJOURNMENT.

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


L. L. Ledbetter
Deputy City Clerk