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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, June 2, 1954, at 11 o'clock a.m., with Mayor Van Every presiding, and Councilmen Albea, Baxter, Boyd, Brown, Dellinger, Smith and Wilkinson present.

Absent: None.

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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 last meeting on May 26th were approved as submitted.

ORDINANCE NO. 214-X EXTENDING CORPORATE LIMITS OF CHARLOTTE BY ANNEXING 33.73 ACRES OF PROPERTY IN CRAB ORCHARD TOWNSHIP, UPON PETITION OF ERVIN CONSTRUCTION COMPANY.

The hearing was held in connection with the petition of Ervin Construction Company for the annexation of 33.73 acres of property in Crab Orchard Township, located on the northerly side of Independence Boulevard and adjoining Eastway Park. No opposition was expressed to the proposed annexation. Whereupon, Councilman Smith moved the adoption of "Ordinance No. 214-X Extending the Corporate Limits of Charlotte by Annexing 33.73 Acres of Property in Crab Orchard Township". The motion was seconded by Councilman Dellinger, and unanimously carried. The ordinance is recorded in full in Ordinance Book 11, at Page 354-355.

ORDINANCE NO. 215-X EXTENDING CORPORATE LIMITS OF CHARLOTTE BY ANNEXING 224.54 ACRES OF PROPERTY IN BERRYHILL TOWNSHIP, UPON PETITION OF JOHN CROSLAND COMPANY AND CHARLOTTE PARK & RECREATION COMMISSION.

At the hearing on the petition of John Crosland Company and Charlotte Park & Recreation Commission for the annexation of 224.54 acres of property in Berryhill Township, contiguous to the city limits of Charlotte, no one appeared in opposition to the proposed annexation. Councilman Smith moved the adoption of an ordinance entitled: "Ordinance No. 215-X Extending the Corporate Limits of Charlotte by Annexing 224.54 Acres of Property in Berryhill Township". The motion was seconded by Councilman Baxter, and unanimously carried. The ordinance is recorded in full in Ordinance Book 11, at Page 356-357.

ORDINANCE NO. 212 AMENDING THE ZONING ORDINANCE BY CHANGING THE BUILDING ZONE MAP FROM R-2 TO B-1 ON PROPERTY ON INDEPENDENCE BOULEVARD AT THE SOUTHWEST CORNER OF COMMONWEALTH AVENUE AND EASTWAY DRIVE.

The hearing was held in connection with the requested change in zoning from R-2 to B-1 on property on the south side of Independence Boulevard, at the southwest corner of Commonwealth Avenue and Eastway Drive. No opposition was voiced by the public to the proposal. Whereupon, Councilman Brown moved the adoption of "Ordinance No. 212 Amending the Zoning Ordinance" by changing the Building Zone Map from R-2 to B-1 on the said property. The motion was seconded by Councilman Wilkinson, and unanimously carried. The ordinance is recorded in full in Ordinance Book 11, at Page 358.

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ORDINANCE NO. 207 AMENDING ZONING ORDINANCE BY ADDING DEFINITION OF SIDE YARDS RELATING TO CAR PORTS DENIED.

Mr. Yancey, City Manager, advised the Council that the Zoning Board of Adjustment has rendered an adverse recommendation relative to the proposed amendment to the Zoning Ordinance regarding the construction of Carports. Councilman Dellinger moved that the proposed amendment be turned down by the Council. The motion was seconded by Councilman Albea.

Councilman Brown offered a substitute motion that the Council go along with the Zoning Board in their recommendation, but recognize that there are some hardship cases in this connection and that the Board of Adjustment hear these hardship cases. The motion was seconded by Councilman Boyd, and carried, with the votes cast as follows:

YEAS: Councilmen Baxter, Boyd, Brown, Smith and Wilkinson.

NAYS: Councilmen Albea and Dellinger.

Mr. Henry Newson, Realtor, stated he understood there has been quite a few violations of the ordinance relative to the construction of carports, and in some cases they were constructed without permit. He asked what the Council would do about these violations and also such future violations?

Mayor Van Every replied that his position is, and he believes it is also that of the Council, that they will enforce the law.

Mr. John D. Shaw, City Attorney, suggested that anyone who has made such construction, should take the matter before the Zoning Board of Adjustment for possible variance of rules.

RESOLUTION PROVIDING FOR A PUBLIC HEARING ON JUNE 23, 1954 ON PROPOSED AMENDMENT TO THE ZONING ORDINANCE, PROPERTY AT ROMANY ROAD AND HARDING PLACE.

Ordinance No. 213 Amending the Zoning Ordinance, by changing the Building Zone Map from R-2 to B-1 on certain property at Romany Road and Harding Place, upon petition of H. C. Sherrill Company, Richard M. Arnold and wife, and G. V. Lawrence, optionee, was introduced and read. Following which a resolution entitled: "Resolution Providing for a Public Hearing on June 23, 1954, on the Proposed Ordinance" was presented and read. Councilman Baxter moved the adoption of the resolution, which was seconded by Councilman Wilkinson, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 210.

RESOLUTION PROVIDING FOR A PUBLIC HEARING ON JUNE 30TH ON PETITION OF WASHBURN PRINTING COMPANY ET AL FOR THE ANNEXATION OF 11.66 ACRES OF PROPERTY IN CRAB ORCHARD TOWNSHIP TO THE CITY OF CHARLOTTE.

Mr. Frank T. Miller, Jr., Attorney, presented the following Petition, signed by Washburn Printing Company and others, for the annexation to the City of Charlotte of 11.66 acres of property in Crab Orchard Township, located immediately east of Airlie Street and bounded on the south by the Charlotte Country Club property, being contiguous to the city limits of Charlotte:

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

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

We, the undersigned, do petition, pursuant to the provisions of Chapter 725, Section 8 of the 1947 Public Session Laws of the General Assembly of North Carolina, for 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 of said

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City, is lying and being in Crab Orchard Township, particularly described as follows:

BEGINNING at the point where the line marking the City Limits of the City of Charlotte, as they now exist, intersects the southeasterly line of Country Club Heights as shown on the map thereof which is recorded in the Office of the Register of Deeds for Mecklenburg County in Book 3, Page 553; and running thence with said line of Country Club Heights, N. 32-06 E. 125 feet; thence N. 42-57 E. 242.85 feet; thence N. 3-35 W. 150.96 feet; thence N. 17-04 W. 39.62 feet; thence N. 7-04 W. 29.21 feet; thence N. 44-25 W. 82.121 feet; thence N. 0-59 W. 52.96 feet; thence N. 44-36 W. 45.68 feet; thence N. 44-08 W. 30.49 feet; thence N. 34-10 W. 75.08 feet; thence N. 3-35-20 E. 15.49 feet; thence N. 53-37-40 E. 213.83 feet; thence N. 7-10-30 W. 177.14 feet; thence N. 36-53 W. 1135 feet to the line marking the said City Limits of the City of Charlotte; thence with the same, S. 13-41-30 E. 2020.0 feet to the BEGINNING.

2. That the undersigned comprise the owners of all of the property described in the paragraph next above and sought to be annexed to the City of Charlotte in this petition.

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, 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 the 31st day of May, 1954.

<u>C. Ray Hicks</u> (SEAL)	<u>Harvie E. Hicks</u> (SEAL)
<u>Kenneth G. Nichols</u> (SEAL)	<u>Mary S. Nichols</u> (SEAL)
<u>R. J. MacNaughton</u> (SEAL)	<u>Evelyn A. MacNaughton</u> (SEAL)
<u>John A. Blue</u> (SEAL)	<u>Ruth Cooke Blue</u> (SEAL)
<u>Dr. James S. Price, Jr.</u> (SEAL)	<u>Joyce A. Price</u> (SEAL)
<u>John E. Williams</u> (SEAL)	<u>Ethel S. Williams</u> (SEAL)
<u>David Clark</u> (SEAL)	<u>Aileen B. Clark</u> (SEAL)
<u>James C. Evans</u> (SEAL)	<u>Alice B. Evans</u> (SEAL)
<u>Charles Hopkins</u> (SEAL)	<u>Betty Long Hopkins</u> (SEAL)
<u>Gilbert W. Stamper</u> (SEAL)	<u>Ida H. Stamper</u> (SEAL)
<u>Marshall G. Yarborough</u> (SEAL)	<u>Postelle B. Yarborough</u> (SEAL)
<u>B. Kermit Caldwell</u> (SEAL)	<u>Betty W. Caldwell</u> (SEAL)

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<u>Mildred Hatley Coggins</u> (SEAL)	<u>(SEAL)</u>
<u>R. T. Allen, Jr.</u> (SEAL)	<u>Mary S. Allen</u> (SEAL)
<u>Ralph W. Kiser</u> (SEAL)	<u>Hilda Gibbon Kiser</u> (SEAL)

WASHBURN PRINTING COMPANY

BY: N. W. Foust  
President

ATTEST:

Max G. Brittain Jr.  
Secretary

(SEAL)

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.

Loyd G. Richey  
City Engineer

I do hereby certify that I have examined the records of Mecklenburg County and that Washburn Printing Company, C. Ray Hicks, Harvie E. Hicks, Kenneth G. Nichols, Mary S. Nichols, R. J. MacNaughton, Evelyn A. MacNaughton, John A. Blue, Ruth Cooke Blue, Dr. James S. Price, Jr., Joyce A. Price, John K. Williams, Ethel S. Williams, David Clark, Aileen B. Clark, James C. Evans, Alice B. Evans, Charles Hopkins, Betty Long Hopkins, Gilbert W. Stamper, Ida H. Stamper, Marshall G. Yarborough, Postelle B. Yarborough, B. Kermit Caldwell, Betty W. Caldwell, Mildred Hatley Coggins, R. T. Allen, Jr., Mary S. Allen, Ralph W. Kiser, Hilda Gibbon Kiser, constitute all the owners of the property described in the foregoing petition.

F. T. Miller, Jr.  
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 on June 30, 1954" was introduced and read. Councilman Alba 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 209.

EXECUTION OF LESSOR'S AGREEMENT BY MAYOR AND CITY CLERK AUTHORIZED IN CONNECTION WITH LEASE OF DEWITT BROWN & WIFE, TRADING AS CAROLINA NEWS-STAND, FOR SPACE IN AIRPORT TERMINAL FOR OPERATION OF RESTAURANT.

Mr. Joe Grier, Attorney, presented a resolution to the Council on behalf of his clients, DeWitt Brown and wife, trading as Carolina Newsstand, in connection with their lease of space in the Douglas Municipal Airport Terminal for the operation of a Restaurant, requesting that the Mayor and City Clerk execute the usual Lessor's Agreement, required by the Small Business Administration, in connection with a participating loan, said Agreement providing that notice be given by the City to the Commercial National Bank in the event of default of DeWitt Brown and wife on their lease with the City.

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The City Attorney stated that it was in order that the request be granted. Councilman Baxter then moved that the Mayor and City Clerk be authorized to sign the agreement, which was seconded by Councilman Albea, and unanimously carried.

REQUEST OF S. C. VAUGHN THAT NO PARTICULAR ACTION BE TAKEN BY THE CITY WITH REFERENCE TO THE RECENT DECISIONS OF THE SUPREME COURT REGARDING RACE SEGREGATION.

Mr. S. C. Vaughn presented a letter to the Council suggesting that no particular action be taken with the City with reference to the recent decisions of the Supreme Court regarding race segregation.

TRANSFER OF CERTIFICATE OF NECESSITY AND PUBLIC CONVENIENCE FOR OPERATION OF TAXICAB, TO TROY L. BROWN FROM ROBERT B. TODD.

Mr. Troy L. Brown requested that the Certificate of Necessity and Public Convenience held by Mr. Robert B. Todd, for the operation of Cab #76 of the Red Top Cab Company, be transferred to himself, as Mr. Todd is discontinuing the operation of a taxicab. Councilman Baxter moved that the request be granted. The motion was seconded by Councilman Albea, and unanimously carried.

ACCEPTANCE OF RESIGNATION OF JOHN A. McREA, JR., AS VICE RECORDER AND APPOINTMENT OF ERNEST S. DeLANEY, TO THE POSITION.

Councilman Albea moved the acceptance of the resignation of Mr. John A. McRea, Jr., as Vice Recorder, with regret, and the appointment of Mr. Ernest S. DeLaney, Jr., as his successor. The motion was seconded by Councilman Baxter, and unanimously carried.

APPOINTMENT OF FRANK H. CONNER TO THE PLANNING BOARD.

Councilman Brown moved that the resignation of Mr. J. H. Saxon from the Planning Board be accepted with regret, and that Mr. Frank H. Conner be appointed to the Board to fill the unexpired term ending on June 5, 1954, and for a three year term from the said date. The motion was seconded by Councilman Baxter, and unanimously carried.

REAPPOINTMENT OF WALLACE W. HANKS TO PLANNING BOARD.

Upon motion of Councilman Albea, seconded by Councilman Dellinger, and unanimously carried, Mr. Wallace W. Hanks was reappointed to the Planning Board for a term of three years from the expiration of his present term on June 5, 1954.

ACTION ON REQUEST OF SOCIAL PLANNING COUNCIL OF UNITED COMMUNITY SERVICES FOR CONTRIBUTION FOR COUNTYWIDE RECREATIONAL SURVEY, DEFERRED AWAITING OPINION OF ATTORNEY GENERAL.

Mayor Van Every advised Mr. Charles Lowe, Chairman of the Social Planning Council of the United Community Services, and his Committee who were present, that action would have to again be deferred on their request for a contribution of \$5,000.00 for a countywide recreational survey, until an opinion was received from the Attorney General as to the legality of the City making such contribution. The City Attorney advised he had requested an answer by today, but it has not yet been received.

SUPPLEMENT AGREEMENT NO. 4 TO LEASE (No. W-09-133-end-1097) WITH U. S. GOVERNMENT FOR ADDITION OF 5.56 ACRES OF LAND AND BUILDING NO. 291 AT DOUGLAS MUNICIPAL AIRPORT.

Upon motion of Councilman Dellinger, seconded by Councilman Baxter, and unanimously carried, the Mayor and City Clerk were authorized to execute a Supplemental Agreement with the U. S. Government, to Lease No. W-09-133-eng-1097 dated July 1, 1947, for the addition of approximately 5.56 acres of land and Building No. 291 at Douglas Municipal Airport.

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CONSTRUCTION OF NEW SANITARY SEWERS AUTHORIZED.

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

- (a) 494 feet of sewer main in Selwyn and Brandywine Avenues to replace inadequate line, at an estimated cost of \$1,985.00, to serve a portion of Selwyn Avenue inside the city limits. All costs to be borne by the City.
- (b) 540 feet of sewer main and trunk sewer, in Seversville section, at an estimated cost of \$1,840.00, to serve six business units. All costs to be borne by the City.

AWARD OF CONTRACT TO BLYTHE BROS. COMPANY FOR CONSTRUCTION OF DISTRIBUTION SYSTEM WATER MAINS FROM VEST STATION FILTER PLANT & PUMPING STATION, TO PLAZA ROAD.

Upon motion of Councilman Dellinger, seconded by Councilman Brown, and ~~unanimously~~ carried, a contract was awarded the low bidder, Blythe Bros. Company, for the construction of a distribution system, water mains from Vest Station Filter Plant & Pumping Station to Plaza Road, all in accordance with the plans and specifications, on a unit price basis, based on 180 days completion time, at a total price of \$262,237.65. Votes were cast as follows: YEAS: Councilmen Albea, Baxter, Boyd, Brown, Dellinger and Wilkinson. NAY: Councilman Smith

CONSTRUCTION OF DRIVEWAY ENTRANCE AT 319 COLVILLE ROAD APPROVED.

Councilman Dellinger moved that the construction of a 12-foot driveway entrance be authorized at 319 Colville Road, as recommended by the City Manager. The motion was seconded by Councilman Smith, and unanimously carried.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Mrs. Marie Hollifield, for Lot 191, Section 4-A, Evergreen Cemetery, at \$81.90.
- (b) Deed with Mrs. Pète Harakas and Katherine Theodore, for Lot 248, Section 4-A, Evergreen Cemetery, at \$81.90.
- (c) Deed with John Carabateas, for Lot 268, Section 4-A, Evergreen Cemetery, at \$81.90.

AWARD OF CONTRACT FOR CONSTRUCTION OF DISTRIBUTION SYSTEM, WATER MAINS, FROM VEST STATION TO PLAZA ROAD QUESTIONED BY REPRESENTATIVE OF T. A. LOVING COMPANY, BIDDER.

Mr. Goodwin, representative of the T. A. Loving Company, stated his firm was the low bidder on the construction of the Distribution System of water mains from Vest Station Filter Plant & Pumping Station to Plaza Road instead of Blythe Bros. Company to whom the contract was awarded earlier in the meeting. That while he was not protesting the award of the contract, it did not appear to him to be fair to his firm, as the low bidder, and he wanted to understand the City's policy in such matters. Mr. Yancey, City Manager, pointed out that when the difference in time between his bid of 240 days completion and the bid of Blythe Bros. Company at 180 days was taken into consideration at \$25.00 per day as liquidating damages, that Blythe Bros. Company became the low bidders. Mr. Goodwin then stated there was no bonus clause in the contract. Councilman Dellinger asked if the award of the contract to Blythe Bros. Company was legal, and Mr. Yancey stated it would be illegal to have a penalty clause for non-completion of work at the time stated in the contract and not have a bonus

Correction  
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clause; that it has been the City's policy for years to operate on this basis. Mr. Yancey stated further that it is worth the difference between the two bids to have three miles of pipe laid 60 days earlier and the work completed and the streets closed.

FURTHER CONSIDERATION OF JOB CLASSIFICATION TO BE MADE BY COUNCIL PRIOR TO BUDGET MEETINGS.

Councilman Dellinger requested that the Council discuss the job classification further, stating he is not satisfied with it as it stands, and that he so stated at the time it was informally adopted. He stated he feels there are some discrepancies - for example, at the time it was hard to secure policemen at the salary paid, the Council increased the starting salary to \$277.00 per month, and under the job classification the salary is reduced to \$275.00. That he feels the Council should go into the matter of all employees the same as was done with the department heads, that the lower paid employees are due this consideration by the Council.

After discussion as to a date for a meeting, Councilman Baxter suggested that the job classification meeting be held just prior to the meetings on the new budget. Mr. Yancey, City Manager, advised that he would be ready to discuss the budget after next Wednesday, when the Budget Estimate will be filed. It was agreed that the job classification meeting would be held week after next.

ADJOURNMENT.

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

Lillian R. Hoffman  
City Clerk