

June 8, 1955
Minute Book 36 - Page 59

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber of the City Hall, on Wednesday, June 8, 1955, at 4 o'clock p.m., with Mayor Van Every presiding, and Council members Albea, Baxter, Brown, Dellinger, Evans, Smith and Wilkinson being present.

Absent: None

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Smith, seconded by Councilman Brown, and unanimously carried, the Minutes of the last meeting on June 1st were approved as submitted.

ORDINANCE NO. 263-X EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHARLOTTE BY ANNEXING THERETO 17.69 ACRES OF PROPERTY IN BERRYHILL TOWNSHIP.

At the hearing relative to extending the corporate limits of the City of Charlotte by annexing thereto 17.69 acres of property in Berryhill Township, upon the petition of Rea Construction Company, Carolina Marble and Granite Works and Charlotte Lumber and Manufacturing Company, no objections to the proposal were voiced by the public. Councilman Smith moved the adoption of Ordinance No. 263-X Extending the Corporate Limits Annexing the Property, which was seconded by Councilman Albea, and unanimously carried. The ordinance is recorded in full in Ordinance Book 11, at Pages 430-431.

HEARING RELATIVE TO ANNEXATION OF A PORTION OF THOMASBORO CONTINUED TO JUNE 22ND, AND BOARD OF ELECTIONS REQUESTED TO CHECK SIGNATURES ON PETITION AGAINST ANNEXATION TO DETERMINE IF SIGNED BY FIFTEEN PERCENT OF VOTERS.

At the scheduled hearing on the proposed annexation of a portion of Thomasboro, as set forth in Ordinance No. 264-X, Mr. John A. McRea, Jr., representing the opponents to the annexation, filed a petition protesting taking the territory into the city limits of Charlotte and requesting the City Council to call a referendum and submit the question to the qualified voters of the area as to whether the territory should be annexed. Mr. McRea advised that the petition is signed by over 365 residents of the area, with over 190 being registered voters and the others eligible to vote. That the Chief Clerk of the Election Board has partially checked the signatures on the petition and states it is apparent that the signers represent over 16% of the registered voters in the Box. That although the petition requests an election, they do not want such election authorized by the Council today as no survey has been made of the costs to the residents should water and sewers be provided and the residents feel that the burden of having the survey made should be on the City of Charlotte. That their understanding is the main reason some of the residents desire the territory annexed to the City of Charlotte is the lack of water, which they state involves a health situation; however, if such health situation exists, it should be noted that at least twenty homes in the vicinity have been left out of the area to be annexed, together with the School, that are served by the McCall Water Company.

Mayor Van Every stated that it is assumed from Mr. McRea's remarks that they admit that the reason some of the residents wish to come into the city is the need for water. That if the City Council refuses to annex the property or to call an election, and a typhoid epidemic is caused by the consumption of water now in the area, what would be the reaction of the residents protesting the annexation? Mr. McRea replied they would feel it to be an act of Divine Providence; that such argument as the reason for annexing the territory could apply to the entire county,

June 8, 1955
Minute Book 36 - Page 60

portions of which are certainly in worse condition than Thomasboro. That there are water lines which could serve the area much closer than the city lines; that the owners of the lines now within the area practically offered to give it to the residents to form a corporation, and too, the lines of Ervin Construction Company serving Beechwood area are nearer and could no doubt be utilized.

Councilman Dellinger asked what kind of water is used in the Beechwood area? Mr. McRea replied that it is City of Charlotte water, and Mr. Yancey, City Manager, advised further that it is supplied under contract with Ervin Construction Company.

Mr. McRea advised further that his clients have their own wells and septic tanks, which were costly, and feel they must protect their financial interest; that the residents requesting the annexation would come out much cheaper by digging their own wells, rather than paying city taxes.

Mr. F. W. Randall stated it is true that many of the residents work in Charlotte and enjoy certain benefits for which they do not pay city taxes; however, they trade in Charlotte, and the same rule as to working in Charlotte without paying taxes applies to the many residents of towns nearby and the other sections of Mecklenburg County who work in Charlotte. That if the Council wishes to alleviate the tax situation, the City of Charlotte might adopt the "Akron Plan" whereby an income tax is placed on persons working in Charlotte and residing outside the city limits. He stated further that conditions in Thomasboro have been described as deplorable; however, they are no worse than in many rural communities; they have septic tanks and water supplies which are inspected by Mecklenburg County Inspectors who are quite capable, and if conditions are so bad these Inspectors would condemn them. That it will be a waste of taxpayers money to call an election, when it is obvious that such election will be defeated. He advised that there are 354 homes in the area to be annexed, together with approximately 45 trailers; that a house-to-house canvass was made and that none of the signatures on the petition are of persons outside the area. He advised further that it has been determined that a water system could be put in the area for \$1,500.00 with a 3-inch main.

Mr. A. B. Brown stated he does not object to coming into the City, however, he does not feel the map of the area to be annexed is properly drawn and thinks it should include all of the Thomasboro area, not just a portion of it. That the Thomasboro School should certainly be included. That it is his belief that the cost will be around \$500.00 to have water facilities put into a house.

Mr. M. K. Harrill, Attorney for the petitioners for the annexation of the area, stated they are not solely interested in securing water but also sewers. That the County Health Officials have stated that many of the lots are too small to put in septic tanks. That their thought in drawing the map of the area was to keep within the City's requirements as it relates to the drainage area.

Mayor Van Every asked if the group represented by Mr. Harrill is willing to come into the City School System - that it has been the policy of the City when an area is annexed that they come within the school system - and it has been brought out that the Thomasboro High School is not within the area to be annexed? Mr. Harrill stated that if the School is included it would mean bringing in a large group of residents who are not interested in coming into the city.

Mr. W. B. Gale stated he was advised that it would not be necessary to come into the City School System because of crowded conditions; however, if it is necessary to do so, then he thinks it could be worked out satisfactorily. That the main thought is the health hazard that now exists.

Mr. R. E. Maynard stated that the health hazard from outside toilets and septic tanks is bad. Also, in the summer the water is a mere dribble. That he now understands that the residents around the School would favor the annexation if the School is brought in also.

June 8, 1955
Minute Book 36 - Page 61

Both Mr. Randall and Mr. Brown stated that Mr. Maynard resides outside the area requesting annexation. Mr. Maynard replied that this is a mistake, that he is within the area to be annexed.

Mr. L. T. Vinesett stated he has his own water supply and is a qualified voter in the area; however, he is interested in those residents who need water so badly and wishes to see conditions improved for the sake of the children in the area. That the annexation would also provide badly needed police protection.

A short discussion among the Council followed as to the School being outside the area to be annexed, and Council members Albea, Brown and Evans expressed the desire that the map be revised to include the School.

Mrs. Walter Maxwell, Mrs. B. L. Bolt, Mrs. E. G. Maxwell, Mr. G. W. Martin, Mr. L. F. Harrington and Mr. Fred Shook spoke of the great need for water in the area and their desire for other facilities such as sewer, street lights and garbage collection they would have if the area is annexed.

Mr. Thomas Ruff, Attorney for Mr. A. A. McCall, owner of McCall Water Company, which has operated in the area for twenty-five years, advised that due to the system needing to be modernized, and also due to Mr. McCall's poor health, last fall he gave written notice to individuals and families that he would give up the water system. That a meeting was held by the McCall Water Company and State Health Officials and Mr. McCall suggested that something be done to give the people water. Septic tanks or the organization of a private corporation was suggested. That Mr. McCall has continued to supply water to the area as he knew the people would be desperate without it. That Mr. McCall has offered to sell the water facilities if a private corporation desires to organize. That the McCall interest takes no side in this controversy, and they will continue to furnish water indefinitely if necessary; however, they would prefer the residents getting water from some other source, as they cannot undertake the financial responsibility to bring the system up to date.

Mayor Van Every stated that he understands that Mr. McCall gave the residents 90 days notice and since then has continued to supply the water as a convenience. Also that the water now supplied is a health hazard. Mr. Ruff replied that samples of the water were submitted to the State Health Department and were not condemned for human consumption.

Mrs. Evan Funderburk stated her family has resided in Thomasboro for twenty-six years; that they have their own well and septic tank, and urge that the Council consider those residents who have spent their money on these improvements and do not wish to assume city taxes.

Mrs. M. G. Glenn stated that she resided in another area of the city that was annexed and the only added service they received was garbage collection; therefore, she is interested in knowing how long it would be before city services would be provided if they were annexed. Mayor Van Every stated that all city services could not be immediately supplied, naturally, that he assumes that water would be the first.

Mrs. W. E. Smith asked if the area was annexed and city water supplied, would those residents having their wells be forced to cap them and use city water? Mr. Yancey, City Manager, replied that it would not be necessary to cap the wells so long as the water passes health inspections.

Councilman Barter moved that the matter be continued until June 22nd at 4 o'clock p.m., and the City Manager be instructed to have the signatures on the petition against the annexation of the area to the City of Charlotte checked by the Mecklenburg County Board of Elections to determine if the required 15% of voters have signed to require an election. The motion was seconded by Councilman Smith, and unanimously carried.

June 8, 1955
 Minute Book 36 - Page 62

TRAFFIC LIGHT INSTALLATION ORDERED AT EASTWAY DRIVE AND CENTRAL AVENUE.

Upon motion of Councilman Baxter, seconded by Councilman Smith, and unanimously carried, a traffic light was ordered installed at the intersection of Eastway Drive and Central Avenue, and funds therefor were authorized transferred from the Emergency Fund (Code 110).

RESOLUTION APPOINTING CHARLOTTE-MECKLENBURG PLANNING COMMISSION AS THE ZONING COMMISSION OF THE CITY OF CHARLOTTE.

A resolution entitled: "Resolution Appointing Charlotte-Mecklenburg Planning Commission as the Zoning Commission of The City of Charlotte" was introduced by Councilman Brown. Following the reading thereof, Councilman Brown moved its adoption, which was seconded by Councilman Baxter, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 308.

RESOLUTION AUTHORIZING PERMANENT IMPROVEMENTS ON PROVIDENCE ROAD.

A resolution entitled: "Resolution Authorizing Permanent Improvements on Providence Road" was introduced and read. Councilman Albea moved its adoption, which was seconded by Councilman Baxter and unanimously carried, and the resolution was adopted on its final reading. The resolution is recorded in full in Resolutions Book 2, at Page 305.

RESOLUTION PROVIDING FOR FILING THE BUDGET ESTIMATE FOR THE FISCAL YEAR 1955-56 WITH THE CITY CLERK.

A resolution entitled: "Resolution Providing for Filing The Budget Estimate for the Fiscal Year 1955-56 With The City Clerk" was introduced and read. Upon motion of Councilman Dellinger, seconded by Councilman Brown, and unanimously carried, the resolution was adopted. The resolution is recorded in full in Resolutions Book 2, at Page 309.

PLAT OF REA PROPERTY SUBDIVISION APPROVED.

Councilman Smith moved approval of the Plat of Real Property Subdivision, as recommended by the Planning Commission. The motion was seconded by Councilman Baxter, and unanimously carried.

CONTRACT AWARDED GRINNELL COMPANY, INC. FOR COPPER TUBING.

Upon motion of Councilman Dellinger, seconded by Councilman Brown, and unanimously carried, contract was awarded Grinnell Company, Inc., for 15,000 feet of 3/4" copper tubing as specified on a unit price basis of \$.3895 per foot making a total price of \$5,842.50, subject to cash discount of \$29.21, or a net delivered price of \$5,813.29.

CONTRACT AWARDED CRANE COMPANY FOR WROUGHT IRON PIPE.

Motion was made by Councilman Dellinger, seconded by Councilman Brown, and unanimously carried, awarding contract to Crane Company, for 36,000 ft. of 3/4", 3,000 ft. of 1", 5,000 ft. of 1 1/2" and 5,000 ft. of 2" wrought iron pipe on a unit price basis representing a total delivered price of \$14,282.70, subject to cash discount of \$254.54, or a net delivered price of \$14,028.16.

CONTRACT AWARDED ELECTRIC ICE & FUEL COMPANY FOR COAL.

Upon motion of Councilman Albea, seconded by Councilman Baxter, and unanimously carried, contract was awarded Electric Ice & Fuel Company for 400 tons estimated quantity of treated stoker coal, as specified @ \$10.70 per ton subject to a deduction of \$.50 per ton for untreated stoker coal, and 800 tons estimated quantity Pocahontas Egg Coal, as specified @ \$12.50 per ton, representing a net delivered price of \$14,280.00.

June 8, 1955
Minute Book 36 - Page 63

CONTRACT AWARDED CHICAGO PUMP COMPANY FOR REPAIR PARTS FOR COMMUNITOR.

Councilman Wilkinson moved the award of contract to Chicago Pump Company, for 4 repair parts for No. 25-A Communitor, SO No. A 63610 RH, as specified, at a total net delivered price of \$1,621.74. The motion was seconded by Councilman Baxter, and unanimously carried.

CONSTRUCTION OF SANITARY SEWER LINES IN (1) CHATHAM AVENUE AND (2) ST. LUKE STREET.

Upon motion of Councilman Smith, seconded by Councilman Baxter, and unanimously carried, the construction of new sanitary sewer lines was authorized as follows:

- (a) 2,710 ft. of 8-inch sewer trunk and mains in Chatham, at request of M. Lee Heath, to serve 27 family units, at an estimated cost of \$7,295.00. All cost to be borne by the City, and Applicant's deposit of \$822.00 to be refunded as per terms of the contract.
- (b) 300 feet of 8-inch sanitary sewer main in St. Luke Street, at request of C. V. Strawn, to serve 3 family units, at an estimated cost of \$490.00. All cost to be borne by the City.

CONTRACT WITH ERVIN CONSTRUCTION COMPANY FOR INSTALLATION OF WATER MAINS IN EASTWAY PARK SUBDIVISION.

Councilman Dellinger moved approval of a contract with Ervin Construction Company, Inc., for the installation of 2,520-feet of water mains in Eastway Park Subdivision, outside the city limits, at an estimated cost of \$5,000.00. All costs to be borne by the applicant, who will own the mains until the territory is taken into the city. The motion was seconded by Councilman Baxter and unanimously carried.

CONSTRUCTION OF DRIVEWAY ENTRANCES APPROVED.

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

- (a) One 40-ft. driveway entrance on Berryhill Road and two 40-ft. driveway entrances on Dowd Road for 2309 Dowd Road.
- (b) One 12-ft. driveway entrance at 701 Baldwin Circle.
- (c) One 20-ft. driveway entrance at 1506 South Boulevard.
- (d) One 14-ft. driveway entrance at 1348 East Morehead Street.
- (e) One 30-ft. driveway entrance at 2109 Hutchison Avenue.
- (f) One 20-ft. driveway entrance at 2018 Hasting Drive.

TREE REMOVAL AT 1508 SOUTH BOULEVARD APPROVED.

Upon motion of Councilman Wilkinson, seconded by Councilman Smith, and unanimously carried, Mr. F. D. Mitchell was authorized to remove a tree from the planting strip at 1508 South Boulevard that interferes with the erection of a sign.

CONFIRMATION OF SALE OF TAX FORECLOSED PROPERTY AT 712-14 EAST 17TH STREET AND ON BELMONT AVENUE.

Motion was made by Councilman Dellinger, seconded by Councilman Baxter, and unanimously carried, confirming the sale of tax foreclosed property at 712-14 East 17th Street to Mrs. Rachel M. Dulin, at the high bid of \$75.00, and of two triangular shaped portions of Lot 2, Block 8, of "Belmont Springs Remainder", on Belmont Avenue, to E. D. Moore, at the high bid of \$75.00.

LEASE OF AIRPORT PROPERTY CONCLUDED:

The City Manager advised that leases have been concluded on the following property at Douglas Municipal Airport:

BUILDING NO.	LESSEE	MONTHLY RENTAL	DATE AND TERM OF LEASE
50	M. & E. Sales Co.	\$19.35	6-1-55 1 year renewal
47	Caldwell & Gallman	\$25.80	6-1-55 1 year

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with G. J. Spoor, Sr., and wife, for southeast part of Lot #20, Section H, Elmwood Cemetery, transferred from Mrs. Elizabeth P. George and Mrs. Christine P. Mangum, at \$1.00 for deed.
- (b) Deed with heirs of J. K. Purefoy, Mrs. Elizabeth P. George and Mrs. Christine P. Mangum, for West half and northeast part of Lot #20, Section H, Elmwood Cemetery, at \$1.00.

REPORT OF APPRAISERS OF BENEFITS AND/OR DAMAGES TO PROPERTY IN THE IMPROVEMENT DISTRICT ON MORAVIAN LANE FROM HERMITAGE ROAD TO PROVIDENCE ROAD, AND IN THE IMPROVEMENT DISTRICT ON SOUTH CALDWELL STREET FROM BOUNDARY STREET TO EAST MOREHEAD STREET.

It was reported that the Board of Appraisers filed with the City Clerk on June 2, 1955 their reports of the benefits and/or damages to property in the improvement district on Moravian Lane from Hermitage Road to Providence Road and in the improvement district on South Caldwell Street from Boundary Street to East Morehead Street.

RESOLUTION WITH RESPECT TO THE COST OF IMPROVEMENTS ON MORAVIAN LANE, FROM HERMITAGE ROAD TO PROVIDENCE ROAD.

A resolution entitled: "Resolution With Respect to the Cost of Improvements on Moravian Lane, from Hermitage Road to Providence Road" was introduced and read. Councilman Brown 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 309.

RESOLUTION WITH RESPECT TO THE COST OF IMPROVEMENTS ON SOUTH CALDWELL STREET, FROM BOUNDARY STREET TO EAST MOREHEAD STREET.

A resolution entitled: "Resolution with Respect to the Cost of Improvements on South Caldwell Street, from Boundary Street to East Morehead Street" was introduced and read. Upon motion of Councilman Dellinger, seconded by Councilman Baxter, and unanimously carried, the resolution was adopted. The resolution is recorded in full in Resolutions Book 2, at page 310.

CONSTRUCTION OF SANITARY SEWER TRUNK AND MAINS AUTHORIZED IN CLANTON ROAD AND PELTON PLACE.

Motion was made by Councilman Smith, seconded by Councilman Wilkinson, and unanimously carried, authorizing the construction of 5,363 feet of sewer trunk and main in Clanton Road and Pelton Place, at request of J. A. Jones Construction Company, at an estimated cost of \$21,420.00. All costs to be borne by the City, and applicant's deposit of \$17,217.00 to be refunded as per terms of the contract.

ADJOURNMENT.

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

Lillian R. Hoffman
City Clerk