

September 8, 1954
Minute Book 35 - Page 349

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 8, 1954, at 11 o'clock a.m., with Mayor Van Every presiding, and Councilman Albea, Baxter, Boyd, Brown, Dellinger, Smith and Wilkinson present.

Absent: None.

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 August 25th were approved as submitted.

RESOLUTION AUTHORIZING PERMANENT IMPROVEMENTS ON EUCLID AVENUE AND ROYAL COURT.

A resolution entitled: "Resolution Authorizing Permanent Improvements on Euclid Avenue and Royal Court" was presented and read, and upon motion of Councilman Albea, seconded by Councilman Smith, was unanimously adopted. The resolution is recorded in full in Resolutions Book 2, at Page 231.

RESOLUTION APPOINTING APPRAISERS IN CONNECTION WITH PERMANENT IMPROVEMENTS TO BE MADE ON EUCLID AVENUE AND ROYAL COURT.

A resolution entitled: "Resolution Appointing Appraisers in Connection with Permanent Improvements to be Made on Euclid Avenue and Royal Court," was introduced and read. Upon motion of Councilman Smith, seconded by Councilman Baxter, and unanimously carried, the resolution was adopted. The resolution is recorded in Resolutions Book 2, at Page 233.

PARK & RECREATION COMMISSION REQUESTED TO COMPLY WITH ANTI-NOISE ORDINANCE.

Councilman Boyd called attention to the telephone calls received by the Council late last night from citizens regarding the noise from the band playing in the Stadium. He stated that since many of these citizens stated that Police Officers advised them the dance in the Stadium was authorized by the Mayor and City Council, when in fact the Council knew nothing about it and had not authorized it, he would like to suggest that the Mayor instruct Chief Littlejohn to notify the officers that the information given out by them was erroneous, as such information to the public is misleading and confusing. Mayor Van Every stated he too had calls complaining about the noise and instructed the Police Department to have it muffled. Councilman Brown moved that the Council call the attention of the Park & Recreation Commission to the fact that there is an anti-noise ordinance in effect which should be complied with at all times. The motion was seconded by Councilman Smith, and unanimously carried.

EMPLOYMENT OF TWO ADDITIONAL SCHOOL GUARDS AUTHORIZED.

Councilman Albea moved that the employment of two additional school guards be authorized as requested by the Chief of Police, for use at the intersection of West 11th and North Graham Streets and at Selwyn Avenue and Colony Road. The motion was seconded by Councilman Smith, and unanimously carried.

EMPLOYMENT OF ADDITIONAL LABORER AT AIRPORT AUTHORIZED.

Councilman Dellinger moved that the request of the Airport Manager to employ an additional laborer for outside maintenance work be authorized, as requested. The motion was seconded by Councilman Smith, and unanimously carried.

September 8, 1954
Minute Book 35 - Page 350

RESURFACING OF SIXTY-THREE STREET LOCATIONS AUTHORIZED.

Upon motion of Councilman Albea, seconded by Councilman Baxter, and unanimously carried, the resurfacing, with plant mix asphalt, by contract of 63 street locations, representing 20 miles, at an estimated cost of \$190,000.00 was authorized. The list of the said streets to be placed on file in the office of the City Clerk. The City Engineer advised that in addition to this resurfacing, an additional 10 miles of streets will be resurfaced and 50 miles of light surfacing done, by City forces.

L. L. LEDBETTER, CITY TREASURER, APPOINTED ACTING CITY MANAGER.

Upon the recommendation of Councilman Dellinger, Mr. L. L. Ledbetter was appointed Acting City Manager in the absence of the City Manager.

MAYOR PRO TEM SMITH PRESIDES FOR REMAINDER OF SESSION.

Mayor Van Every left the meeting at this time to fill an engagement and Mayor pro tem Smith presided for the remainder of the session.

CHECK OF TRAFFIC AT INTERSECTION OF SELWYN AVENUE AND COLONY ROAD.

Councilman Brown advised that a check is being made of the traffic at the intersection of Selwyn Avenue and Colony Road, where it is reported that a traffic signal is badly needed.

PETITION OF HEALTH DEPARTMENT EMPLOYEES FOR SOCIAL SECURITY COVERAGE IN ADDITION TO THE PRESENT RETIREMENT SYSTEM.

Councilman Brown presented a petition signed by fifty-two employees of the Health Department requesting that their names be added to the list of employees seeking Social Security coverage. He advised that the petitioners wish to retain the present Retirement System coverage.

REPORT OF BOARD OF APPRAISERS OF BENEFITS AND/OR DAMAGES TO PROPERTY IN IMPROVEMENT DISTRICT ON MARLOWE AVENUE.

The City Clerk advised that the Board of Appraisers filed with her on September 1st a report of the benefits and/or damages to property in the improvement district on Marlowe Avenue, between Columbus Circle and Green Street, reporting no damages, and the total benefits amounting to \$6,641.23.

Councilman Wilkinson advised that Mr. D. W. Flowe gave the right-of-way for the street improvement from the lot on which his residence is located, and he does not feel that the Appraisers took this into consideration in making the assessment of \$2,275.00 against this property. The Council stated they would be glad to discuss the matter with Mr. Flowe at the hearing on the ordinance assessing the benefits, on August 15th.

RESOLUTION AUTHORIZING ADVERTISEMENT OF PUBLIC HEARING WITH RESPECT TO ASSESSING BENEFITS CONFERRED UPON PROPERTY IN THE IMPROVEMENT DISTRICT ON MARLOWE AVENUE.

A resolution entitled: "Resolution Authorizing Advertisement of Public Hearing with Respect to Assessing Benefits conferred upon Property in the Improvement District on Marlowe Avenue" was introduced and read. Upon motion of Councilman Wilkinson, seconded by Councilman Albea, and unanimously carried, the resolution was adopted. The resolution is recorded in full in Resolutions Book 2, at Page 234.

REPORT OF BOARD OF APPRAISERS OF BENEFITS AND/OR DAMAGES TO PROPERTY IN THE IMPROVEMENT DISTRICT ON EAST THIRD STREET.

The City Clerk reported that the Board of Appraisers filed with her office on September 1st their report of the benefits and/or damages to property in the improvement district on East Third Street, between South Tryon and South College Streets, with neither damages or benefits resulting from the improvements; the total cost to the City amounting to \$2,439.23.

September 8, 1954
Minute Book 35 - Page 351

RESOLUTION WITH RESPECT TO COST OF IMPROVEMENTS ON EAST THIRD STREET BETWEEN SOUTH TRYON STREET AND SOUTH COLLEGE STREET.

A resolution entitled: "Resolution with Respect to Cost of Improvements on East Third Street Between South Tryon Street and South College Street" was introduced and read. Councilman Albea moved the adoption of the resolution, which was seconded by Councilman Brown, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 235.

REPORT OF BOARD OF APPRAISERS OF BENEFITS AND/OR DAMAGES TO PROPERTY IN THE IMPROVEMENT DISTRICT ON SOUTH COLLEGE STREET.

It was reported by the City Clerk that the Board of Appraisers filed with her on September 1st their report of the benefits and/or damages to property in the improvement district on South College Street, between East Second and East Fourth Streets, with no damages or benefits resulting from the improvements; the total cost to the City amounting to \$6,670.33.

RESOLUTION WITH RESPECT TO COST OF IMPROVEMENTS ON SOUTH COLLEGE STREET BETWEEN EAST SECOND AND EAST FOURTH STREETS.

A resolution entitled: "Resolution with Respect to Cost of Improvements on South College Street Between East Second and East Fourth Streets" was introduced and read. Upon motion of Councilman Albea, seconded by Councilman Brown, and unanimously carried, the resolution was adopted. The resolution is recorded in full in Resolutions Book 2, at Page 235.

REPORT OF BOARD OF APPRAISERS OF BENEFITS AND/OR DAMAGES TO PROPERTY IN IMPROVEMENT DISTRICT ON WEST FIFTH STREET.

It was reported by the City Clerk that the Board of Appraisers filed with her office on September 1st a report of the benefits and/or damages to property in the improvement district on West Fifth Street, between North Cedar Street and West Trade Street, with no damages reported and the total benefits to property owners amounting to \$55,318.90.

RESOLUTION AUTHORIZING ADVERTISEMENT OF PUBLIC HEARING WITH RESPECT TO ASSESSING BENEFITS CONFERRED UPON PROPERTY IN THE IMPROVEMENT DISTRICT ON WEST FIFTH STREET, BETWEEN CEDAR STREET AND WEST TRADE STREET.

A resolution entitled: "Resolution Authorizing Advertisement of Public Hearing with Respect to Assessing Benefits Conferred upon Property in the Improvement District on West Fifth Street, Between Cedar Street and West Trade Street" was introduced and read. Councilman Albea 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 236.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON OCTOBER 6, 1954 ON PETITION OF C. D. SPANGLER COMPANY, FOR THE ANNEXATION OF APPROXIMATELY 90 ACRE TRACT OF LAND IN PAW CREEK TOWNSHIP, CONTIGUOUS TO THE CHARLOTTE CITY LIMITS.

The following petition by C. D. Spangler Company for the annexation of an approximately 90-acre tract of land on Beatty's Ford Road, in Paw Creek Township, contiguous to the city limits of Charlotte, was presented and read:

"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 (G. S. 160-445 et seq.) for annexation to the City of Charlotte, of the property hereinafter referred to, and do show as follows:

September 8, 1954
Minute Book 35 - Page 352

1. That the property sought to be annexed to the City of Charlotte, and to thereby be and become within the boundaries of said City, is lying and being in Paw Creek Township, particularly described as follows:

TRACT I.

BEGINNING at a point formed by the intersection of the center line of Beatties Ford Road with the present City Limits line of the City of Charlotte, and runs thence, with the present City Limits line of the City of Charlotte in Aurora Avenue, S. 82 deg. 11' 30" W. 900.73 ft., a corner of the School Board tract; thence, continuing with the present City Limits line of the City of Charlotte and the School Board property, N. 11 deg. 45' E. 1133.34 ft.; thence S. 81 deg. 28' E. 850.10 ft. to the center line of Beatties Ford Road; thence, with the center line of Beatties Ford Road, S. 11 deg. 45 min. West 879.50 ft. to the point or place of BEGINNING, containing 19.64 acres of land, as shown upon a plat of A. V. Blankenship, dated December 20, 1950.

TRACT II.

BEGINNING at a point on the present City Limits line of the City of Charlotte in Aurora Avenue, said point being S. 82 deg. 11' 30" W. 1179.13 ft. from the point formed by the intersection of said City Limits line with the center line of Beatties Ford Road, and running thence with the present City Limits line of the City of Charlotte, S. 82 deg. 11' 30" W. 623.23 ft. to the point; thence continuing with said City Limits line of the City of Charlotte, S. 81 deg. 59' 30" W. 2159.39 ft.; thence N. 5 deg. 38' 50" W. 747.70 ft. to an iron; thence N. 83 deg. 46' 15" W. 1027.05 ft. to an iron; thence N. 38 deg. 46' 30" E. 493.91 ft. to an iron; thence, N. 53 deg. 43' 10" E. 790.56 ft. to an iron; thence, S. 42 deg. 32' E. 699.16 ft.; thence, N. 69 deg. 00' E. 495.0 ft.; thence N. 80 deg. 15' E. 125.0 ft.; thence S. 70 deg. 50' E. 410.0 ft. thence S. 78 deg. 15' E. 110.0 ft.; thence N. 64 deg. 52' 30" E. 75.0 ft.; thence S. 78 deg. 15' E. 120.0 ft. to the point in the present City Limits line of the City of Charlotte and the School Board line; thence with the School Board line and the present City Limits line of the City of Charlotte, three courses as follows:

- (1) S. 11 deg. 45' W. 170. ft. to an iron; thence
- (2) S. 81 deg. 28' E. 1317.86 ft. to an iron;
- (3) S. 11 deg. 45' W. 506.38 ft. to the point or place of BEGINNING, containing 77.76 acres, as shown upon a plat of A. V. Blankenship, dated December 20, 1950, hereinbefore referred to.

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

WHEREFORE, your Petitioner prays 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 8th day of September, 1954.

ATTEST:

S/ Lee Wallace
Secretary

C. D. SPANGLER CONSTRUCTION COMPANY

BY: S/ C. D. Spangler
President

I do hereby certify that the property described in the foregoing petition is contiguous to the present corporate limits of the City of Charlotte.

S/ Loyd G. Richey
City Engineer

I do hereby certify that I have examined the records of Mecklenburg County and that C. D. Spangler Construction Company is the owner of the property described in the foregoing Petition.

S/ John D. Shaw
Attorney "

September 8, 1954
Minute Book 35 - Page 353

Following the reading thereof, a resolution entitled: "Resolution Authorizing the publication of notice that the City Council will consider the annexation of certain property in Paw Creek Township, on October 6, 1954", was introduced and read. Councilman Brown 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 237.

NOTICES FILED THAT PROPOSED ASSESSMENTS AGAINST STONEWALL STREET PROPERTY WILL BE APPEALED TO SUPERIOR COURT.

The City Clerk advised that notices have been filed by the following property owners that the proposed assessments against their property in the improvement district on Stonewall Street will be appealed to Superior Court:

- (1) H. M. Wade assessment of \$3,866.87.
- (2) Stonewall Co. Inc. assessment of \$1,943.29.
- (3) Henry A. Lineberger assessment of \$4,329.36.
- (4) Charlotte Lodge, B.P.O.E. assessment of \$6,128.27.
- (5) Honey Properties, Inc. assessment of \$3,350.07.

SALE OF AIRPORT BUILDING NO. 259 TO GETHSEMANE A.M.E. ZION CHURCH.

Upon motion of Councilman Albea, seconded by Councilman Wilkinson, and unanimously carried, the sale of Airport Building No. 259 to Gethsemane A.M.E. Zion Church, at \$100.00, was approved.

REIMBURSEMENT OF DUKE POWER COMPANY FOR RIGHT-OF-WAY FOR POWER LINES IN LIEU OF USING RIGHT-OF-WAY ON SUGAW CREEK SEWAGE TREATMENT PLANT PROPERTY NEEDED FOR FUTURE FILTER LOCATION.

Motion was made by Councilman Dellinger, seconded by Councilman Baxter, and unanimously carried, authorizing the reimbursement of \$1,500.00 from Sewer Bond Funds to Duke Power Company for a new right-of-way for their power lines, in order to release the present right-of-way on Sugaw Creek Treatment Plant property which will be needed by the City for the future expansion of the filters.

EXCHANGE OF RIGHT-OF-WAY AREA ON SUGAW CREEK SEWAGE TREATMENT PLANT PROPERTY WITH DUKE POWER COMPANY FOR AREA ADJACENT TO THEIR SUB-STATION.

Councilman Baxter moved that authority be given to exchange the Duke Power Company's right-of-way area on Sugaw Creek Sewage Treatment Plant property, needed for expansion of the plant, for an area of approximately the same size which is adjacent to their existing Sub-Station near the said Plant. The motion was seconded by Councilman Dellinger, and unanimously carried.

CONNECTION OF SANITARY SEWER LINE OWNED BY HARRY L. BOWERS, TO CITY'S SANITARY SEWERAGE SYSTEM IN WOODHAVEN DRIVE.

Upon motion of Councilman Brown, seconded by Councilman Wilkinson, and unanimously carried, Harry L. Bowers was given permission to connect his privately owned sanitary sewer lines to the City's Sanitary Sewerage System in Woodhaven Drive, upon condition that he comply with all laws, rules and regulations now in effect, or which may hereafter become effective relative to property similarly situated.

CONSTRUCTION OF SANITARY SEWER MAINS AUTHORIZED.

Motion was made by Councilman Baxter, seconded by Councilman Wilkinson, and unanimously carried, authorizing the construction of sanitary sewer mains as follows:

- (a) 320-ft. of sewer main in Glenwood Road, to serve 2 family units and 2 vacant lots, at an estimated cost of \$670.00. All costs to be borne by the City and the deposit of \$270.00 to be refunded to the applicant, C. R. Carmichael.

September 8, 1954
Minute Book 35 - Page 354

- (b) 192-ft. of sewer main in Willow Oak Road, to serve one family unit and 4 vacant lots, at an estimated cost of \$750.00. All costs to be borne by the City, and the deposit of \$550.00 to be refunded to the applicant, C. W. Duckworth.
- (c) 235-ft. of sewer main in Coxe Avenue, to serve 5 family units and 2 vacant lots, at an estimated cost of \$670.00. All costs to be borne by the City.
- (d) 210-ft. of sewer main in St. Mark Street, to serve 2 family units and 7 vacant lots, at an estimated cost of \$460.00. All costs to be borne by the City and the deposit of \$60.00 to be refunded to the applicant, John Givens and Lula Bell Givens.

RIGHT-OF-WAY AGREEMENT WITH STATE HIGHWAY COMMISSION AUTHORIZED CO-SIGNED BY CITY WITH ALSON GOODE CORPORATION FOR INSTALLATION AND MAINTENANCE OF WATER MAINS IN YORK ROAD AND YORKMOUNT ROAD.

Councilman Dellinger moved that the Mayor and City Clerk be authorized to co-sign with Alson Goode Corporation an agreement with the State Highway & Public Works Commission for the installation and maintenance of 265-feet of 2-inch water main in York Road and 1,500-feet of 6-inch main and 440-feet of 1½-inch main in Yorkmount Road. The motion was seconded by Councilman Baxter, and unanimously carried.

CONTRACT WITH E. C. GRIFFITH COMPANY FOR CONSTRUCTION OF WATER MAIN IN TWIFORD PLACE.

Upon motion of Councilman Wilkinson, seconded by Councilman Baxter, and unanimously carried, contract was authorized with E. C. Griffith Company for the construction of 780 feet of 6 inch water main and one fire hydrant in Twiford Place, to serve residential property, at an estimated cost of \$2,250.00, with all costs to be borne by the applicant, who will own the mains until the territory is taken into the City.

CONTRACT WITH MRS. MARIE ARBOR AND J. L. JENKINS, PARTNERS, FOR INSTALLATION OF WATER MAIN IN CREST AVENUE.

Motion was made by Councilman Albea, seconded by Councilman Dellinger, and unanimously carried, authorizing a contract with Mrs. Marie Arbor and J. L. Jenkins, Partners, for the installation of 300 feet of water mains in Crest Avenue, outside the city, at an estimated cost of \$400.00. All costs to be borne by the applicants, who will own the mains until the territory is taken into the city.

CONTRACT AWARDED DEWEY BROS., INC. FOR MANHOLE RINGS AND COVERS.

Upon motion of Councilman Baxter, seconded by Councilman Dellinger, and unanimously carried, a contract was awarded Dewey Bros., Inc., for 150 Manhole Rings and Covers, as specified, on a unit price basis, representing a total price of \$3,469.50, less cash discount of \$34.70, or a net delivered price of \$3,434.80.

CONTRACT AWARDED ATLAS SUPPLY COMPANY FOR BRASS GOODS FOR WATER DEPARTMENT.

Motion was made by Councilman Baxter, seconded by Councilman Wilkinson and unanimously carried, awarding contract to Atlas Supply Company for 1,000, ¾-inch, 100, 1-inch, and 25, 1½-inch Corporation Stops, 2,000, ¾-inch and 200, 1-inch Brass 45 Deg. Connections with fibre Gaskets, 200, ¾-inch and 25, 1-inch inverted ground key Curb Stops, and 100, 1½-inch Fibre Gaskets, all as specified, at a total price of \$3,787.05, subject to 2% cash discount.

CONTRACT AWARDED THE J. F. W. DORMAN COMPANY FOR METAL AUTOMOBILE AND MOTORCYCLE LICENSE PLATES.

Councilman Dellinger moved that contract be awarded The J. F. W. Dorman Company for 42,000 metal Automobile License Plates and 400 metal Motorcycle Plates as specified, on a unit price basis, representing a net delivered price of \$4,385.00. The motion was seconded by Councilman Baxter, and unanimously carried.

September 8, 1954
Minute Book 35 - Page 355

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

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

- (a) One 25-ft. driveway at 308 S. Myers Street.
- (b) Two 30-ft. driveways at 115 West Hill Street.
- (c) One 30-ft. driveway at 907 S. Caldwell Street.
- (d) One 12-ft. driveway at 1926 South Boulevard.
- (e) The present 15-ft. driveway to be widened 20-ft., making a total 35-ft. driveway entrance at 600 S. College Street.
- (f) The present 8-ft. driveway to be widened 21-ft., making a total 29-ft. driveway at 408 N. Graham Street.

SALE OF AIRPORT BUILDING NO. 242 TO MECKLENBURG COUNTY BOARD OF EDUCATION.

Councilman Albea moved that the sale of Airport Building No. 242 to the Mecklenburg County Board of Education at \$100.00 be approved. The motion was seconded by Councilman Wilkinson, and unanimously carried.

CONSTRUCTION OF SANITARY SEWERS AUTHORIZED.

Upon motion of Councilman Albea, seconded by Councilman Wilkinson, and unanimously carried, the construction of sanitary sewers was authorized as follows:

- (a) 897-ft. of sewer main in Aurora Avenue, at an estimated cost of \$2,040.00, with all costs to be borne by the City.
- (b) 2,696-ft. of sewer main and trunk sewer in Shawnee Drive, Annlin Avenue, Webster Place and Moultrie Street, to serve 44 vacant lots, at an estimated cost of \$6,890.00. All costs to be borne by the City, and the deposit of the full amount be refunded to John Crosland Company as per terms of the contract.

ISSUANCE OF SPECIAL OFFICER PERMITS.

Motion was made by Councilman Dellinger, seconded by Councilman Baxter, and unanimously carried, authorizing the issuance of a Special Officer Permit to R. T. Troutman for use on the premises of Railway Express Company, and the renewal of Permit to Paul Howell, for use on the premises of the Southern Railway Company.

STIPULATION AUTHORIZED ENTERED INTO WITH BELL, HORN, BRADLEY AND GEBHARDT, ATTORNEYS WITH RESPECT TO CLAIMS OF PROPERTY OWNERS ON OLD STATESVILLE ROAD INVOLVING LAND-FILLED GARBAGE DISPOSAL.

Upon the recommendation of Mr. John D. Shaw, City Attorney, Councilman Albea moved that the City Manager and City Attorney be authorized to enter into stipulation with respect to the running of the statutes of limitations as of August 23, 1954, on claims filed for damages on or about December 30, 1953 by Bell, Horn, Bradley and Gebhardt, Attorneys for the property owners named therein, involving old Statesville Road land-filled garbage disposal. The motion was seconded by Councilman Baxter, and unanimously carried.

ADJOURNMENT.

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

Lillian R. Hoffman
City Clerk