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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 2, 1955, at 4 o'clock p.m., with Mayor Van Every presiding, and Councilmen Albea, Baxter, Boyd, Dellinger, Smith and Wilkinson present.

Absent: Councilman Brown.

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 were approved as submitted.

ORDINANCE NO. 237-X ASSESSING BENEFITS IN THE IMPROVEMENT DISTRICT ON WEST FIFTH STREET, FROM NORTH CEDAR STREET TO WEST TRADE STREET AND AUTHORIZING ADVERTISEMENT WITH RESPECT THERETO.

The hearing in connection with assessing benefits in the improvement district on West Fifth Street, was opened by the Mayor who advised that an Ordinance Assessing the Benefits had been drawn, and the assessments therein are 25% of the valuation fixed by the Board of Appraisers in their revised report and are made only on the property from whose owners street right-of-way was purchased by the City, and no assessments are made on the property of those owners from whom no right-of-way was purchased.

The ordinance was then introduced and read.

Mr. Ben Horack, Attorney for the J. C. Brookshire Estate, expressed objections to any assessments against the West 5th Street property owners, and stated that instead of the project having improved the street, it is detrimental and injurious to the property. That the so-called improvement has created a thorough-fare for the use of the general public and should be paid for by the City instead of a compromise being made whereby the City will get something from some of the property owners on the street. That it is self-evident that the street is now a thorough-fare, linking Beatty's Ford Road and West Trade Street with the uptown area. That based on provisions of the General Statutes and the City Charter, which he quoted, in his opinion the Council has the right and authority to pay for the assessment, which he believes was done in the case of the 36th Street Improvement. Mayor Van Every advised that he is in error, that the 36th Street Improvement was made with State Funds and no assessment can be made when such funds are used for a project.

Councilman Dellinger moved the adoption of the Ordinance Assessing the Benefits, as read. The motion was seconded by Councilman Wilkinson, and carried, with the votes cast as follows:

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

NAYS: Councilman Albea.

PETITION FOR ANNEXATION OF THOMASBORO AREA DEFERRED UNTIL PROPER PAPERS DRAWN.

Mr. M. K. Harrill, Attorney, presented a petition signed by 250 residents and map requesting the annexation of a certain portion of the Thomasboro area to the City of Charlotte due to the private firm now supplying water to the area is going out of business. He advised that Mr. J. G. Foushee, County Sanitation Supervisor, who was present, has stated that the water-sewer facilities in the area do not meet the State specifications.

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Mayor Van Every advised Mr. Harrill that the map of the area presented was not sufficient, and that a survey would have to be made showing the metes and bounds; a detail description given and all other details in connection with presenting a request for an annexation before the Council would consider the request at a public hearing. The City Attorney stated he would be glad to consult with Mr. Harrill relative to the form of the papers to be prepared.

Mr. John A. McRae, Jr., Attorney, presented a petition signed by 424 residents of the Thomasboro area who oppose the annexation. He stated it is his understanding that if 15% of the residents of the area oppose the annexation, then it must be decided by an election within the area; that they would like to save the expense of such election and request the Council not to grant the petition for annexation. He presented a map of the area and stated that the proposed area to be annexed fans out as it extends from the city limits, and this is stretching the word "contiguous".

The City Attorney asked if it had been established if the area comes within the Charlotte Drainage System, to which Mr. J. A. Maynard advised that it has been definitely determined that the area is within the Drainage system.

Mr. Shaw, City Attorney, advised that there is also a question of policy in connection with the matter - he pointed out that the proponents are not seeking to join the City's School District but wish to continue sending their children to the Thomasboro School. The Council indicated they would consider this matter of policy prior to the date of hearing.

COUNCIL EXPRESSES NO OBJECTIONS TO CHARLOTTE CITY COACH LINES CONTACTING MECKLENBURG DELEGATION RELATIVE TO OPERATION OF 51-PASSENGER BUSES IN CHARLOTTE.

Mr. H. K. Van Allen, Attorney for Charlotte City Coach Lines, appeared before Council and stated they have learned the State Statutes limit the size of Busses to be operated within a municipality to a maximum of 35-ft length by eight, two-axle, which is smaller than the Coach Lines wish to use in Charlotte if their franchise is granted by the State Utilities Commission. He asked Council if they had any objections to the Coach Lines Attorneys contacting the Mecklenburg delegation relative to the passage of the proper legislation to make it possible to use the larger bus in Charlotte. He advised that such busses are operated in Greensboro, N. C. and in S. C. under special acts of the Legislature. Mr. Van Allen stated that the size bus they wish to use here for the greater comfort, safety and convenience of the public are 51-passenger busses, 40 feet in length by 8½ feet wide, three axle. He advised that such busses are operated in Akron, Baltimore, Chicago, and many other cities.

In response to Mayor Van Every's inquiry as to the wishes of the Council, no objections were expressed.

RESOLUTION RELATIVE TO AGREEMENT WITH STATE HIGHWAY & PUBLIC WORKS COMMISSION FOR THE INSTALLATION AND MAINTENANCE OF LIGHTING SYSTEM AT CLARKSON STREET OVERHEAD BRIDGE ON INDEPENDENCE BOULEVARD.

The following resolution was introduced by Councilman Albea, who moved its adoption following the reading thereof. The motion was seconded by Councilman Wilkinson, and unanimously carried:

"WHEREAS, the Commission and the City have heretofore entered into an agreement dated May 5, 1954, covering the provisions of lighting systems for traffic underneath the East Morehead Street and South Boulevard Bridges on the relocation of U. S. 74 in the City of Charlotte, N. C., said proposed structures being identified as part of State Project 6565, Federal Aid Project U-30(6); and

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"WHEREAS, the Commission and the City desire to extend the aforesaid agreement to include a complete lighting system for traffic underneath the bridge which is to carry U. S. 74 as relocated over Clarkson Street which is also a part of the aforesaid project; said system to provide suitable lights as shown upon the revised plans for said structure;

"WHEREAS, the Commission has requested that the City execute an agreement to provide any extensions of power service facilities required in order to furnish current for the said additional lighting system, provide current for the operation of said additional lighting system as part of its street lighting system, to make all necessary repairs including lamp renewals which may be required from time to time to insure proper operation of said additional lighting system.

"NOW, THEREFORE, BE IT RESOLVED that the installation of the lighting system underneath the aforesaid bridge be and it is hereby formally approved by the City Council of the City of Charlotte, and that the Mayor and Clerk of said City be and they are hereby empowered to sign and execute the required supplemental agreement between this City and State Highway and Public Works Commission."

CONTRACT AWARDED SUPERIOR STONE COMPANY FOR CRUSHED STONE.

Motion was made by Councilman Dellinger, seconded by Councilman Wilkinson, and unanimously carried, awarding contract to the low bidder, Superior Stone Company, for 2,500 Tons of Crusher Run $1\frac{1}{2}$ ", 1,500 Tons #10, 10,000 Tons #11, 2,500 Tons #12, 1,500 Tons $3/8$ " Clean Stone, estimated quantities of Crushed Stone, as specified, on a unit price basis, representing a total net delivered price of \$44,845.00.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

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

- (a) Two 35-ft. driveways on N. Davidson St. and One 35-ft. on East 25th Street, all for 2200 N. Davidson Street.
- (b) Two 35-ft. driveways on Independence Boulevard, and One 35-ft. on Norland Avenue, all for 3529 Independence Boulevard.
- (c) One 30-ft. driveway at 1806 N. Tryon Street.

SUPPLEMENTARY CONTRACT WITH ERVIN CONSTRUCTION COMPANY FOR WATER MAINS CONSTRUCTION IN MARKHAM VILLAGE.

Councilman Smith moved approval of a supplementary contract with Ervin Construction Company, to contract dated May 26, 1954, for the construction of 3,195 feet of additional water mains and 3 hydrants in Markham Village, outside the city, at an estimated cost of \$8,500.00. 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 Dellinger, and unanimously carried.

REPORT THAT LEASE OF AIRPORT BUILDING NO. 88 TO CHARLOTTE SALVAGE COMPANY CONCLUDED.

The City Manager reported that the lease has been concluded with Charlotte Salvage Company for Airport Building No. 88, at a monthly rental of \$24.00.

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TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with James T. Hall, for the east half of Lot #46-B Section X, Elmwood Cemetery, transferred from Mrs. Bessie Brown, at a cost of \$1.00 for new deed.
- (b) Deed with Mrs. Bessie Cruse Brown, for west half of Lot No. 46-B Section X, Elmwood Cemetery, at \$1.00 for new deed.

EMPLOYMENT OF EIGHTEEN ADDITIONAL PATROLMEN IN POLICE DEPARTMENT AS OF APRIL 1, 1955 AUTHORIZED.

Councilman Smith moved that the recommendation of the City Manager and Chief of Police for the employment of eighteen additional patrolmen as of April 1, 1955 be granted. The motion was seconded by Councilman Wilkinson, and unanimously carried.

AGREEMENT AUTHORIZED WITH ERVIN CONSTRUCTION COMPANY FOR SEWER RIGHT-OF-WAY OVER LOT AT INTERSECTION OF GENEVA COURT AND PRINCETON AVENUE AND ABANDONING OLD RIGHT-OF-WAY.

Upon motion of Councilman Smith, seconded by Councilman Albea, and unanimously carried, the Mayor and City Clerk were authorized to execute an agreement with the Ervin Construction Company covering the acquisition of sewer right-of-way over lot at the corner of Geneva Court and Princeton Avenue, and abandoning the old right-of-way.

ADJOURNMENT.

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

Richard R. Hoffmann
City Clerk