

May 11, 1955  
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The regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Wednesday, May 11, 1955, at 4 o'clock p.m., with Mayor Van Every presiding, and Council members Albea, ~~Baxter~~, Brown, Dellinger, Evans, Smith and Wilkinson present.

Absent: Nene

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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 meeting on May 9th were approved as submitted.

RADIO STATION WWOK GRANTED PERMISSION TO MAKE RECORDING OF COUNCIL MEETING PROCEEDINGS ON MARCH 28TH ON A TRIAL BASIS.

Mr. W. A. Selley, representing Radio Station WWOK, Charlotte's newest Station, appeared before Council and requested permission to record the proceedings of the Council Meetings for rebroadcasting. Mr. Selley advised they have Stations in many other cities throughout the country where such service is furnished their listening public, and they feel that it will be good relations for both the City and Station WWOK to bring the City Council in action into Charlotte homes at regular intervals. He explained that microphones will be spaced around the Council table and in the center of the Chamber in such manner that no annoyance will be realized by the Council or other speakers.

Councilman Smith called attention to the Council that if such permission is granted to Station WWOK, similar requests by other Stations will have to be granted. He stated further that he thinks it is a fine civic idea. The Council agreed that similar requests would be treated in the same manner as that of Station WWOK.

Councilman Brown remarked that the microphones must be installed so that one may speak naturally and without interference, otherwise one would be under strain throughout the meetings. He then moved that the Station be permitted to make a recording at the meeting on May 25th on a trial basis and final decision be made after that time. The motion was seconded by Councilman Smith, and unanimously carried.

PETITION FOR ANNEXATION OF 17.69 ACRES OF PROPERTY IN BERRYHILL TOWNSHIP BY REA CONSTRUCTION COMPANY, CAROLINA MARBLE & GRANITE WORKS, INC. AND CHARLOTTE LUMBER & MANUFACTURING COMPANY.

The following petition was filed by Mr. Edwin B. Robbins, Attorney, in behalf of Rea Construction Company, Carolina Marble & Granite Works, Inc., and Charlotte Lumber & Manufacturing Company, for the annexation of 17.69 acres of property to the City of Charlotte. Mr. Robbins advised that this annexation will bring new business to Charlotte, as the firm of Pelton & Crane will construct a plant on the property if it is annexed, as they wish to be within the city limits.

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

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

Pursuant to the provisions of Chapter 725, Section 8 of the 1947 Public Session Laws of the General Assembly of North Carolina, we, the undersigned, do petition for annexation of the property

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hereinafter described to the City of Charlotte, and do show as follows:

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

BEGINNING at a point in the centerline of the York Road which point is 351.37 feet along the centerline of said York Road from the intersection of the centerline of said York Road with the centerline of Clanton Road and which point is marked by an iron at the edge of the pavement and which point is the westerly corner of the lands of Carolina Marble & Granite Works, Inc., thence along the centerline of the York Road and with the line of Carolina Marble & Granite Works, Inc. N. 33-37 E. 1414.67 feet to a point in the centerline of the York Road and the corner of the lands of Carolina Marble & Granite Works, Inc. and Charlotte Lumber and Manufacturing Company; thence with the centerline of the York Road and the line of Charlotte Lumber and Manufacturing Company N. 33-37 E. 188.74 feet to a hole and cross in the centerline of said York Road; thence with the present city limit line of the City of Charlotte and the line of Charlotte Lumber and Manufacturing Company S. 32-52 E. 473.01 feet to an iron; thence N. 56-23 W. 110.02; thence S. 33-37 W. 878.62 feet to a stone; thence S. 23-37-30 W. 357.15 feet to an iron; thence S. 65-12 E. 467.78 feet to an iron; thence along the easterly edge of a proposed 60 foot road and with the line of Rea Construction Company S. 24-49-40 W. 470.0 feet to a tack in the centerline of Clanton Road; thence with the centerline of Clanton Road and with the line of Rea Construction Company N. 65-12 W. 476.55 feet to a tack in the centerline of Clanton Road; thence N. 31-52 E. 130.0 feet to a stone; thence with the line of Carolina Marble & Granite Works, Inc. N. 37-53 W. 470.2 feet to the Beginning, containing 17.69 acres, more or less, all as shown on a map thereof prepared by J. G. Spratt, N.C.R.S. and dated April, 1955.

2. That the undersigned comprise all of the owners of all the property described above and sought to be annexed to the City of Charlotte.

WHEREFORE the 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 11th day of May, 1955.

Attest:	Charlotte Lumber and Manufacturing Company
<u>B. J. Brown,</u> Secretary	<u>W. Marshall Moore</u> (seal) President
Attest:	Rea Construction Company
<u>Edwin L. Jones, Jr.</u> Secretary	<u>C. B. Wuertenberger</u> (seal) President
Attest:	Carolina Marble & Granite Works, Inc.
<u>Ferrell Fridell</u> Vice-President	<u>F. A. Fridell</u> President

I hereby certify that I have examined the records of Mecklenburg County, and that Rea Construction Company, Carolina Marble & Granite Works, Inc., and Charlotte Lumber and Manufacturing Company constitute all of the owners of the property described in the foregoing petition.

Edwin B. Robbins

I hereby certify that the property described in the foregoing petition is contiguous to the present corporate limit boundary of the City of Charlotte

Loyd G. Richey  
City Engineer "

RESOLUTION WITH REFERENCE TO PROVIDING FOR A PUBLIC HEARING ON JUNE 8, 1955 ON THE PETITION OF REA CONSTRUCTION COMPANY, CAROLINA MARBLE & GRANITE WORKS, INC. AND CHARLOTTE LUMBER & MFG. COMPANY FOR THE ANNEXATION OF 17.69 ACRES OF PROPERTY IN BERRYHILL TOWNSHIP, TO THE CITY OF CHARLOTTE.

A resolution entitled: "Resolution With Reference to Providing For A Public Hearing On June 8, 1955 On The Petition Of Rea Construction Company, Carolina Marble & Granite Works, Inc. and Charlotte Lumber & Mfg. Company For The Annexation Of 17.69 Acres Of Property In Berryhill Township, To The City Of Charlotte" was introduced and read. Upon motion of Councilman Baxter, seconded by Councilman Albea, and unanimously carried, the resolution was adopted. The Resolution is recorded in full in Resolutions Book 2, at Page 295.

APPOINTMENT OF H. A. YANCEY AS CITY MANAGER.

Councilman Baxter moved the appointment of Mr. H. A. Yancey as City Manager, at the present salary. The motion was seconded by Councilman Wilkinson, and unanimously carried.

APPOINTMENT OF LILLIAN R. HOFFMAN AS CITY CLERK.

Councilman Brown moved the appointment of Mrs. Lillian R. Hoffman as City Clerk, at the present salary. The motion was seconded by Councilman Baxter, and unanimously carried.

APPOINTMENT OF JOHN D. SHAW AS CITY ATTORNEY.

Councilman Dellinger moved the appointment of Mr. John D. Shaw as City Attorney, at the present salary. The motion was seconded by Councilman Wilkinson, and unanimously carried.

APPOINTMENT OF L. L. LEDBETTER AS CITY TREASURER.

Councilman Smith moved the appointment of Mr. L. L. Ledbetter as City Treasurer, at the present salary, and that his bond be fixed at \$25,000.00. The motion was seconded by Councilman Brown, and unanimously carried.

APPOINTMENT OF GEORGE B. LIVINGSTON AS CITY ACCOUNTANT.

Councilman Smith moved the appointment of Mr. George B. Livingston as City Accountant, at the present salary and that his bond be fixed at \$10,000.00. The motion was seconded by Councilman Dellinger, and unanimously carried.

APPOINTMENT OF J. H. MILLS AS COLLECTOR OF REVENUE.

Councilman Albea moved the appointment of Mr. J. H. Mills as Collector of Revenue, at the present salary, and that his bond be fixed at \$50,000.00.

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Councilman Smith stated that he is voting for the appointment of Mr. Mills; that he investigated another person and found him to be thoroughly qualified; however, he also made a careful investigation of Mr. Mills and was advised by Mr. Yancey, City Manager, that the condition of the Tax Office is now as good or better than it has been in a number of years. That he dislikes to see any office used as a political football and sees no reason for making a change at this time.

The vote was then taken on the motion, and carried, with the votes cast as follows:

YEAS: Councilmen Albea, Wilkinson, Baxter, Brown, Dellinger and Smith.

NAYS: Councilwoman Evans.

APPOINTMENT OF FRANK N. LITTLEJOHN AS CHIEF OF POLICE.

Councilman Baxter moved the appointment of Mr. Frank N. Littlejohn as Chief of Police, at the present salary and that his bond be fixed at \$1,000.00. The motion was seconded by Councilman Brown, and unanimously carried.

APPOINTMENT OF DONALD S. CHARLES AS CHIEF OF FIRE DEPARTMENT.

Councilman Smith moved the appointment of Mr. Donald S. Charles as Chief of the Fire Department, at the present salary. The motion was seconded by Councilman Dellinger, and unanimously carried.

APPOINTMENT OF JAMES E. WALKER AS CITY SOLICITOR.

Councilwoman Evans moved the appointment of Mr. James E. Walker as City Solicitor, for a term of two years, at the present salary. The motion was seconded by Councilman Smith, and unanimously carried.

APPOINTMENT OF BASIL M. BOYD AS RECORDER.

Councilman Smith moved the appointment of Mr. L. L. Caudle as Recorder, for a term of two years, at the salary paid the present Recorder. The motion was seconded by Councilwoman Evans.

A substitute motion was made by Councilman Baxter, who moved the appointment of Mr. Basil M. Boyd as Recorder, for a term of two years, at the salary paid the present Recorder. The motion was seconded by Councilman Brown, and carried, with the votes cast as follows:

YEAS: Councilman Baxter, Brown, Dellinger and Wilkinson.

NAYS: Councilwoman Evans and Councilmen Albea and Smith.

Councilman Smith then moved that due to the fact that Mr. Boyd has been appointed by a majority of the Councilmen, that the Council go on record making the vote unanimous. The motion was seconded by Councilman Albea, and lost, with Councilwoman Evans voting NAY.

APPOINTMENT OF WALLACE S. OSBORNE AS VICE-RECORDER.

Councilman Smith moved the appointment of Mr. Wallace S. Osborne as Vice-Recorder, for a term of two years, to be paid at the rate of \$27.95 per diem for such time as he serves the Court during the vacation period allowed the Recorder. The motion was seconded by Councilman Dellinger, and unanimously carried.

APPOINTMENT OF W. A. RICHARD TO THE CIVIL SERVICE COMMISSION.

Councilman Dellinger moved the appointment of Mr. W. A. Richard to the Civil Service Commission for a period of three years, to succeed Mr. Alfred E. Smith who has resigned.

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COUNCIL MEETING ON MAY 18TH ELIMINATED DUE TO LACK OF A COUNCIL QUORUM.

Councilman Brown moved that no Council Meeting be held on Wednesday, May 18th due to the lack of a quorum, the majority of the Council members being in attendance at the U. S. Conference of Mayors in New York City. The motion was seconded by Councilman Baxter, and unanimously carried.

ACTION AT MEETING ON MAY 9TH RELATIVE TO THE COUNCIL MEETINGS RESCINDED.

Councilman Dellinger moved that the resolution passed on May 9th with respect to the Council Meetings be stricken from the records. The motion was seconded by Councilman Smith, and unanimously carried.

TIME FOR COUNCIL MEETINGS FIXED AT WEDNESDAY OF EACH WEEK AT FOUR O'CLOCK P. M.

Councilman Dellinger moved that the Council Meetings be held on each Wednesday, at 4 o'clock p.m. The motion was seconded by Councilman Baxter.

Councilman Smith offered a substitute motion that the regular Council Meetings be held on each Wednesday at 11 o'clock a.m. The motion was seconded by Councilman Albea, and lost with the votes cast as follows:

YEAS: Councilmen Smith and Albea.

NAYS: Councilwoman Evans and Councilmen Baxter, Brown, Dellinger and Wilkinson.

The vote was then cast on the Main Motion, and carried, with the following votes cast:

YEAS: Councilmen Dellinger, Baxter, Brown, Wilkinson, and Councilwoman Evans.

NAYS: Councilmen Albea and Smith.

HEARING ON THE EXTENSION OF THE CORPORATE LIMITS TO INCLUDE A PORTION OF THOMASBORO FIXED FOR JUNE 8TH IN LIEU OF MAY 18TH.

Councilman Wilkinson moved that due to the fact that there will be no meeting of the Council on May 18th, due to the lack of a quorum, that the Hearing in connection with the Extension of the Corporate Limits to include a portion of Thomasboro, fixed for that time be readvertised to be heard on June 8th. The motion was seconded by Councilman Baxter, and unanimously carried.

HEARINGS ON ORDINANCES NO. 261 AND 262 TO AMEND THE ZONING ORDINANCE FIXED FOR JUNE 1ST IN LIEU OF MAY 25TH.

Councilman Brown moved that due to the fact that the hour of the Council Meetings has been changed, the hearings in connection with Ordinances No. 261 and 262 to Amend the Zoning Ordinance advertised for May 25th at 11 o'clock a.m., be readvertised to be held at 4 o'clock p.m. on Wednesday, June 1st. The motion was seconded by Councilman Baxter, and unanimously carried.

RESIGNATION OF JUDGE J. C. SEDBERRY AS RECORDER ACCEPTED.

Councilman Smith moved that the resignation of Judge J. C. Sedberry as Recorder be accepted and he be thanked for a job well done. The motion was seconded by Councilman Brown, and unanimously carried.

TRANSFER OF FUNDS FROM EMERGENCY FUND TO EQUIPMENT DEPOT FOR HEATING PLANT FOR CITY GARAGE.

Upon motion of Councilman Brown, seconded by Councilman Baxter, and unanimously carried, approval was given the transfer of \$8,761.00 from the Emergency Fund (Code 110) to the Equipment Depot, Capital Outlay Account (Code 1507 G-2) for a heating plant for the City Garage.

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**CONTRACT WITH DUKE POWER COMPANY FOR STREET LIGHTING SYSTEM FOR NEW SECTION OF INDEPENDENCE BOULEVARD.**

Councilman Dellinger moved approval of a contract with Duke Power Company for the street lighting system, covering 99 mercury lighting units, for the new section of Independence Boulevard. The motion was seconded by Councilman Smith, and unanimously carried.

**CONTRACT WITH B. C. POPE FOR CONSTRUCTION OF WATER MAINS IN FREELAND LANE.**

Motion was made by Councilman Wilkinson, seconded by Councilman Baxter, and unanimously carried, authorizing a contract with B. C. Pope for the construction of 680-feet of water mains in Freeland Lane, at an estimated cost of \$1,020.00, to serve residential property. All cost to be borne by the applicant, who will dedicate the mains to the City upon the City's acceptance of the line.

**CONTRACT AWARDED BOYD & GOFORTH, INC. FOR DISTRIBUTION SYSTEM OF WATER MAINS FROM DOUGLAS STREET AND BEATTIE'S FORD ROAD TO SOUTH TRYON STREET AND SHUMAN AVENUE.**

Upon motion of Councilman Smith, seconded by Councilman Baxter, and unanimously carried, contract was awarded the low bidder, Boyd & Goforth, Inc., for the construction of the 36-inch distribution system of water mains from Douglas Street and Beattie's Ford Road to South Tryon Street and Shuman Avenue, at their bid price of \$510,098.20, work to be completed in 210 calendar days from the date of notice of award of contract. Variations in actual lengths of pipe and volume of concrete, rock and stabilizing material, from those estimated in the proposal and contract form, to be handled in accordance with the unit price set forth in the proposal.

**CONTRACT AWARDED BLANKENSHIP BROTHERS FOR CONSTRUCTION OF SANITARY SEWERS IN BARRINGER DRIVE, BELTON STREET, SCALEYBARK ROAD, HARTFORD AVENUE, MOULTRIE STREET, ANNLIN STREET AND SHAWNEE DRIVE.**

Motion was made by Councilman Wilkinson, seconded by Councilman Smith, and unanimously carried, awarding contract to the low bidder, Blankenship Brothers, for the construction of sanitary sewers in the above listed seven streets, all as specified, on a unit price basis, representing a total price of \$18,852.95.

**SPECIAL OFFICER PERMIT ISSUED TO BURNIE SNYDER ON PREMISES OF FEDERAL RESERVE BANK, AND PERMIT RENEWED TO JAMES WEBB LAWSON ON PREMISES OF SOUTHERN RAILWAY PROPERTY.**

Councilman Wilkinson moved approval of the issuance of a Special Officer Permit to Burnie Snyder for use on the premises of Federal Reserve Bank, and the renewal of Permit issued to James Webb Lawson for use on Southern Railway property at Liddell Street and the C. D. Yard. The motion was seconded by Councilman Dellinger, and unanimously carried.

**HOLIDAY GRANTED CITY EMPLOYEES ON FRIDAY, MAY 20TH, IN OBSERVANCE OF THE SIGNING OF THE MECKLENBURG DECLARATION OF INDEPENDENCE.**

Motion was made by Councilman Smith, seconded by Councilman Baxter, and unanimously carried, granting a holiday to city employees on Friday, May 20th, in observance of the Signing of the Mecklenburg Declaration of Independence.

**TRANSFER OF CEMETERY LOTS.**

Upon motion of Councilman Dellinger, 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. H. L. Bridgers, for Lot 66, Section 2, Evergreen Cemetery, at \$240.00.
- (b) Deed with Dr. Edward H. Brown, for perpetual care on the south half of Lot 20, Section Johnston-Annex, Pinewood Cemetery, at \$70.00.

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CHANGE ORDER NO. 4 APPROVED IN CONTRACT WITH V. B. HIGGINS FOR GENERAL CONSTRUCTION OF SUGAW CREEK SEWAGE TREATMENT PLANT.

Upon motion of Councilman Dellinger, seconded by Councilman Smith, and unanimously carried, Change Order No. 4 in the Contract with V. B. Higgins for the General Construction of the Sugaw Creek Sewage Treatment Plant was approved in the amount of \$23,900.00.

CHANGE ORDER NO. 7 APPROVED IN CONTRACT WITH AUSTIN ELECTRIC COMPANY FOR ELECTRICAL WORK AT THE SUGAW CREEK SEWAGE TREATMENT PLANT.

Motion was made by Councilman Wilkinson, seconded by Councilman Baxter, and unanimously carried, approving Change Order No. 7 in the Contract with Austin Electric Company for Electrical Work at the Sugaw Creek Sewage Treatment Plant, in the amount of \$713.93.

CHANGE ORDER NO. 2 APPROVED IN CONTRACT WITH J. V. ANDREWS COMPANY FOR ELECTRICAL WORK AT THE SUGAW CREEK SEWAGE TREATMENT PLANT.

Councilman Dellinger moved approval of Change Order No. 2 in the Contract with J. V. Andrews Company for Electrical Work at the Sugaw Creek Sewage Treatment Plant, in the amount of \$453.65. The motion was seconded by Councilman Smith, and unanimously carried.

CHANGE ORDER NO. 2 APPROVED IN CONTRACT WITH B. F. TODD FOR ELECTRICAL WORK AT THE SUGAW CREEK SEWAGE TREATMENT PLANT.

Upon motion of Councilman Dellinger, seconded by Councilman Brown, and unanimously carried, Change Order No. 2 in the Contract with B. F. Todd, Electrical Contractor for the Sugaw Creek Sewage Treatment Plant Project, was approved in the amount of \$814.80.

CONTRACT WITH LYNCHBURG FOUNDRY COMPANY FOR PIPE FOR EMERGENCY WORK.

Councilman Smith moved that due to an emergency involving the public health, a contract be authorized with Lynchburg Foundry Company for 600-feet of 20-inch cast iron, 100 Class, mechanical joint, Pipe, including bolts and nuts, on a unit price basis of \$7.76 per foot, representing a net delivered price of \$4,656.00. The motion was seconded by Councilman Dellinger, and unanimously carried.

PURCHASE OF RIGHT-OF-WAY FROM OLIVER PEELER FOR CONSTRUCTION OF WATER LINE FROM VEST STATION TO SOUTH TRYON STREET.

Motion was made by Councilman Brown, seconded by Councilman Baxter and unanimously carried, authorizing the purchase of a strip of land 30-feet wide, running for a distance of 592.14-feet, at a price of \$1,750.00, as right-of-way for the construction of the 36-inch water line from Vest Station to South Tryon Street.

RESOLUTION AMENDING A RESOLUTION ADOPTED MAY 13, 1953 ENTITLED: "RESOLUTION PROVIDING FOR THE ISSUANCE OF \$800,000 LIBRARY BONDS".

A resolution entitled: "Resolution Amending a Resolution Adopted May 13, 1953 Entitled: "Resolution Providing For The Issuance of \$800,000 Library Bonds"" was introduced and read, and upon motion of Councilwoman Evans, seconded by Councilman Smith, was unanimously adopted. The resolution is recorded in full in Resolutions Book 2, at Page 296.

ADJOURNMENT.

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

*Lillian R. Hoffman*  
City Clerk