

May 2, 1956
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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber in the City Hall, on Wednesday, May 2, 1956, at 11 o'clock a.m., with Mayor Van Every presiding, and Council members Albea, Baxter, Dellinger, Evans, Smith and Wilkinson being 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 on April 25th were approved as submitted.

MR. A. G. BROWN WELCOMED TO MEETING BY MAYOR.

Mayor Van Every noted that Mr. A. G. Brown was in the audience, and stated that regardless of the unpleasantness that took place at last week's meeting when he requested Mr. Brown to take his seat or leave the room, they are old friends and he has known Mr. Brown since the Mayor was a little boy. That they love each other but just don't agree on everything, and he is glad to have him present today.

OFFICIALS INVITED BY COUNCILMAN BAXTER TO ATTEND MEETING AT SHAMROCK GARDENS SCHOOL ON MAY 17TH WITH RESIDENTS OF PERIMETER AREA RELATIVE TO ANNEXATION TO CITY OF CHARLOTTE.

Councilman Baxter stated that in an effort to acquaint the residents of the perimeter area of the benefits of the annexation of their property to the city, he has arranged the first meeting at Shamrock Gardens School on Thursday, May 17th, at 7:30 o'clock in the evening. He invited the Mayor and Council to attend the meeting.

APPOINTMENT OF AIR POLLUTION ADVISORY AND APPEAL BOARD DEFERRED ONE WEEK.

Councilman Smith stated that the Air Pollution Control program has gotten under way by the adoption of the ordinance last week, and in order to complete the set-up the Advisory and Appeal Board should be appointed. He nominated Mr. W. P. Wells as the registered engineer member of the board, as provided in the ordinance.

Councilwoman Evans nominated Mrs. Frank Kennedy as one of the two citizens at large members.

Councilman Albea nominated Dr. Lucius Gage, Jr. as the physician member of the Board.

Councilman Dellinger stated he felt the matter should be deferred so that all members of the Council may give the appointments more thought and be ready to make nominations.

Councilman Wilkinson offered a substitute motion that the matter be deferred for one week and all members be appointed at one time. The motion was seconded by Councilman Dellinger.

Council members Smith, Evans and Albea then stated they will present the same nominees to the Board at next week's meeting and ask that they be given consideration by the Council in the meanwhile. The vote was then taken on the motion, which carried unanimously.

REQUEST OF COLONIAL LIFE & ACCIDENT INSURANCE COMPANY IN 1955 FOR EMPLOYEES
PAYROLL DEDUCTION OF INSURANCE PREMIUMS REVIEWED AT REQUEST OF MAYOR.

Mayor Van Every stated there was some confusion last week about the deduction of insurance premiums from employees payrolls when the matter was brought up by Councilman Brown, and he would like to have the Minutes of the meetings in 1955 read relative to the matter. He stated he is sorry that Councilman Brown is not present today.

Minutes of the meetings on March 30th and April 13th, 1955 on the subject were read in their entirety, which contained the following motions:

Minutes of Council Meeting on March 30, 1955

"Councilman Brown moved that Mr. Livingston, City Accountant, make the deductions from the employees payrolls for Colonial Life & Accident Insurance Company. The motion was seconded by Councilman Baxter, and unanimously carried."

Minutes of Council Meeting on April 13, 1955

"Councilman Brown moved that the Council action on the request of Mr. Good on March 30th be rescinded, and that health and accident insurance companies interested in city employees payroll deduction of insurance premiums submit their plans to the City Manager, for the selection of the company that will best serve the interest of the employees. The motion was seconded by Councilman Baxter, and unanimously carried."

RESOLUTION WITH REGARD TO PLACING FOOTINGS UNDER THE SIDEWALK ADJACENT TO
NEW BUILDING OF WACHOVIA BANK & TRUST COMPANY ON SOUTH CHURCH STREET AND
WEST TRADE STREET.

A resolution entitled: "Resolution With Regard to Placing Footings under the Sidewalk Adjacent to New Building of Wachovia Bank & Trust Company on South Church Street and West Trade Street" was introduced on its second reading by Councilman Smith, who moved its adoption. The motion was seconded by Councilman Wilkinson, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 421.

The Agreement with Wachovia Bank & Trust Company being as follows:

"STATE OF NORTH CAROLINA
MECKLENBURG COUNTY

THIS AGREEMENT, made and entered into this 2nd day of May, 1956, by and between the CITY OF CHARLOTTE, a municipal corporation of the State of North Carolina (hereinafter referred to as the CITY), party of the first part, and WACHOVIA BANK AND TRUST COMPANY, hereinafter referred to as OWNER, party of the second part;

W I T N E S S E T H:

The City Council of the City of Charlotte at two regular meetings of said Council duly passed resolutions as set forth in Minute Book 36, at pages 318 and 326, authorizing this agreement to be entered into, granting a special privilege to the Owner of property located on the southeast corner of W. Trade and S. Church Streets, to excavate under the sidewalk immediately adjacent to said property for the purpose of placing footings thereunder, and to use said excavated space for said purpose.

This special privilege is granted upon the following conditions, which are agreed to by the property owner as conditions precedent to the initial and continued exercise of such privilege:

- (1) The special privilege for the construction and maintenance of said excavated space shall be recoverable at the will of the Governing Body of the City, at any time, with or without any cause whatsoever, and in the event said special

privilege is revoked, then said excavation shall be filled in promptly in accordance with the specifications of, and in a manner satisfactory to, the City, and said sidewalk shall be restored in accordance with the specifications of, and in a manner satisfactory to, the City.

(2) The plan and method of excavating and maintaining the excavated space shall be submitted to and be subject to the approval of the City.

(3) During the existence of said excavated space and for a period of three years after the filling in of same, in case of revocation of this special privilege, as hereinabove provided, the owner agrees:

(a) Continuously to maintain the sidewalk over said excavated space in a manner satisfactory to the City and to indemnify and save harmless the City from any and all claims of any nature whatsoever, due directly or indirectly to the property owner's failure to do this, including but not limited to claims on account of storm drainage and on account of injury to persons or property which may arise against the City, whether justified or unjustified, and whether directly or indirectly due to the granting of this special privilege;

(b) To indemnify and save harmless the City from any and all costs of investigating such claims and/or defending such claims in court or otherwise.

(c) To record this agreement in the office of the Register of Deeds for Mecklenburg County, North Carolina, and to furnish the City with the recorded copy.

IN TESTIMONY WHEREOF, this instrument has been duly executed, the day and year first above written, by the parties hereto and their seals hereto affixed.

ATTEST:

CITY OF CHARLOTTE

City Clerk

BY: _____
Mayor

ATTEST:

WACHOVIA BANK AND TRUST COMPANY

Secretary

BY: _____
President

Approved as to form:

John D. Shaw
City Attorney "

REPORT OF CITY CLERK CONCERNING BENEFITS AND IMPROVEMENTS ON GOLD STREET AND ARGONNE DRIVE, FROM SOUTH TRYON STREET TO MINT STREET.

The City Clerk submitted the Report on the Benefits and/or Damages to Property on Gold Street and Argonne Drive, from Mint Street to South Tryon Street, as a result of the opening, widening and improving, submitted to her by the Board of Appraisers on April 27, 1956, finding there are no damages and that benefits have accrued to the property owners in the total amount of \$4,981.66. She also reported the total frontage is 3,130.71 feet and the cost per front foot is \$23.30, and the total cost of the improvement to the City of Charlotte is \$72,945.51.

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RESOLUTION AUTHORIZING ADVERTISEMENT OF PUBLIC HEARING ON MAY 9, 1956 WITH RESPECT TO ASSESSING BENEFITS CONFERRED UPON PROPERTY IN THE IMPROVEMENT DISTRICT ON GOLD STREET AND ARGONNE DRIVE, FROM SOUTH TRYON STREET TO MINT STREET.

A resolution entitled: "Resolution Authorizing Advertisement of Public Hearing on May 9, 1956, With Respect to Assessing Benefits Conferred upon Property in the Improvement District on Gold Street and Argonne Drive, from South Tryon Street to Mint Street" was introduced by Councilman Wilkinson, who moved its adoption. The motion was seconded by Councilman Albea, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 423.

BADGER STREET FROM STATESVILLE ROAD WEST TO DEAD-END TAKEN OVER FOR CITY MAINTENANCE.

Councilman Dellinger moved that Badger Street, from Statesville Road West to dead-end, be taken over for city maintenance. The motion was seconded by Councilman Smith, and unanimously carried.

J. H. LONG AND J. L. BARNETT AUTHORIZED TO CONNECT PRIVATE SANITARY SEWER LINE TO CITY'S SANITARY SEWERAGE SYSTEM.

Motion was made by Councilman Albea, seconded by Councilman Wilkinson, and unanimously carried, authorizing J. H. Long and J. L. Barnett to connect 175-feet of private sanitary sewer line to the City's Sanitary Sewerage System in Wendover Lane, upon condition that they comply with all laws, rules and regulations now in effect, or which may hereafter become effective relative to property similarly situated.

RIGHT-OF-WAY AGREEMENT BETWEEN STATE HIGHWAY COMMISSION AND J. H. LONG AND J. L. BARNETT AUTHORIZED CO-SIGNED BY CITY FOR CONSTRUCTION OF SANITARY SEWER IN WENDOVER LANE.

Upon motion of Councilman Albea, seconded by Councilman Smith, and unanimously carried, the Mayor and City Clerk were authorized to co-sign an agreement between the State Highway Commission and J. H. Long and J. L. Barnett, for the construction of 175-feet of sanitary sewer line in Wendover Lane from Heathwood Road.

CONSTRUCTION OF SANITARY SEWER LINES AUTHORIZED.

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

- (a) Construction of 7,520 feet of sewer trunks and mains in University Park, to serve 94 vacant lots, at an estimated cost of \$22,300.00, at request of Spangler Construction Company. All costs to be borne by the City, and applicant's required deposit of the full amount to be refunded as per terms of the contract.
- (b) Construction of 2,664 feet of sewer trunks and mains in University Park, to serve 46 vacant lots, at an estimated cost of \$7,325.00, at request of Spangler Construction Company. All costs to be borne by the City, and applicant's required deposit of the full amount to be refunded as per terms of the contract.
- (c) Construction of 143 feet of sanitary sewer main in Odum Street to serve one family unit, at an estimated cost of \$200.00, at request of Mr. Ira B. Huffman. All costs to be borne by the City.

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RIGHT-OF-WAY AGREEMENT BETWEEN THE STATE HIGHWAY COMMISSION AND ERVIN CONSTRUCTION COMPANY FOR INSTALLATION OF WATER MAINS AUTHORIZED.

Councilman Wilkinson moved that the Mayor and City Clerk be authorized to co-sign an agreement between The State Highway Commission and Ervin Construction Company for right-of-way for the installation of water mains in Independence Boulevard (Route 74) and the Sharon-Amity Road. The motion was seconded by Councilman Dellinger, and unanimously carried.

CONTRACT AUTHORIZED WITH MARSH REALTY COMPANY FOR CONSTRUCTION OF WATER MAINS IN WIMBLEY DRIVE.

Motion was made by Councilwoman Evans, seconded by Councilman Albea, and unanimously carried, authorizing contract with Marsh Realty Company for the construction of 1,600 feet of water main and 2 fire hydrants in Wimbley Drive, at an estimated cost of \$4,500.00. All costs to be borne by the City, and applicant to guarantee a gross annual water revenue equal to 10% of the total construction cost.

CONTRACT AWARDED CREIGHTON SHIRT COMPANY FOR SHIRTS FOR POLICE AND FIRE DEPARTMENTS.

Councilman Smith moved approval of the award of contract to Creighton Shirt Company for 720 blue and 248 white shirts for the Fire Department and 904 grey and 60 white shirts for the Police Department, at a total net delivered price for both departments of \$5,273.84. The motion was seconded by Councilman Wilkinson, and unanimously carried.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

Motion was made by Councilman Albea, seconded by Councilman Dellinger, and unanimously carried, authorizing the construction of driveway entrances, as follows:

- (a) One 27-ft. driveway entrance at 1717 West Trade Street.
- (b) One 20-ft. driveway entrance at 1305 South Tryon Street.
- (c) Two 35-ft. driveway entrances on Oaklawn Avenue and One 35-ft. entrance on McCall Street, all for 901 Oaklawn Avenue.
- (d) One 35-ft. driveway entrance on Central Avenue and One 35-ft. entrance on Firth Court West, both for 2129-31 Central Avenue.

TRANSFER OF CEMETERY LOT.

Councilman Smith moved that the Mayor and City Clerk be authorized to execute a deed with John M. Sorrow and wife, for Lot 316, Section 2, Evergreen Cemetery, at \$160.00. The motion was seconded by Councilman Wilkinson, and unanimously carried.

RAILROAD SIGNAL AT WEST FIFTH STREET CROSSING INSTALLED.

Mr. Yancey, City Manager, reported that in February the Council requested that the Southern Railway Company install a signal at their West Fifth Street crossing; that rather than doing it by ordinance, he negotiated with the Railway Company and the signal has been installed.

PURCHASE OF PROPERTY AT PARKWOOD AVENUE AND THE PLAZA FOR STREET OPENING REJECTED.

Mr. Yancey, City Manager, stated as information, that the City has been offered a piece of property at Parkwood Avenue and The Plaza by a realtor at a price of \$42,000.00 to open a street into The Plaza. He advised that neither he, the City Engineer nor Traffic Engineer think much of the proposition, as the property is not worth the price asked.

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PROBLEM OF DOGS RUNNING AT LARGE DISCUSSED.

Councilman Dellinger asked what could be done about the problem of dogs running at large.

Mr. Shaw, City Attorney, advised there is an ordinance on the books now requiring the owners to keep dogs penned up between 7 p.m. and 7 a.m.

Councilwoman Evans asked what provisions are made to enforce the law?

Mr. Yancey, City Manager, replied there are men on duty during this period. However, it is easy to amend the ordinance prohibiting dogs running at large at all times, but the difficulty lies in the enforcement and proving the case in Court. That the mere fact that a dog is by himself is not proof that he is running at large; the dog might have broken his chain, been let out of the house by a child or gotten out of his pen, which would not mean that he is running at large.

Councilman Dellinger then stated it has become quite a problem and persons property is being destroyed by dogs. He asked that the reporters give publicity in their newspapers to the fact there is an ordinance on the books on the matter.

ADJOURNMENT.

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

Lillian R. Hoffman
Lillian R. Hoffman, City Clerk