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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, September 2, 1953, at 11:00 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 Wilkinson, seconded by Councilman Dellinger, and unanimously carried, the minutes of the last meeting on August 19, 1953, were approved as submitted.

RESOLUTION AUTHORIZING PERMANENT IMPROVEMENTS ON PLAZA ROAD.

A resolution entitled: "Resolution Authorizing Permanent Improvements on Plaza Road", was introduced on its final reading. No objections to the proposed improvements were expressed by the public. Upon motion of Councilman Boyd, seconded by Councilman Albea, and unanimously carried, the resolution was adopted. The resolution is recorded in full in Resolutions Book 2, at Page 125.

RESOLUTION APPOINTING APPRAISERS IN CONNECTION WITH PERMANENT IMPROVEMENTS TO BE MADE ON PLAZA ROAD.

A resolution entitled: "Resolution Appointing Appraisers in Connection with Permanent Improvements to be made on Plaza Road", was introduced and read. Councilman Boyd moved the adoption of the resolution, which was seconded by Councilman Albea, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 127.

ACTION WITH REGARD TO VIOLATION OF THE ZONING ORDINANCE BY L. C. HINSON, 1520 CLIFFWOOD PLACE IN CASE OF GARAGE APARTMENT DEFERRED FOR ONE WEEK AT REQUEST OF MR. PORTER BYRUM, ATTORNEY.

Mr. Porter Byrum, Attorney appeared before Council in behalf of Mr. L. C. Hinson, with regard to the construction of a garage-apartment at his residence at 1520 Cliffwood Place, which is in violation of the Zoning Ordinance in the Residence-2 district in which his residence is located, whereas he had secured building permits from the City Inspection Department for the erection of a Private Garage and Storage Room, which are permitted in an R-2 Zone.

Mr. Byrum explained in detail the various business concerns that are located in the 1500 block of Cliffwood Place, and that the street has been designated as a Truck Route, all of which makes it undesirable as a residential area. He stated further that an adjoining resident had been denied use of his property for business by the Zoning Board of Adjustment.

The City Attorney stated that he had been requested by Mr. H. N. Sutton, Chief Building Inspector to take the necessary court action to restrain Mr. Hinson from using the garage-apartment and in order to do so it will be necessary to institute suit by and with the approval of the City Council.

Mr. Byrum requested that action be deferred for one week and that they would apply to the Zoning Board of Adjustment for a change in zoning to a business zone. Councilman Boyd moved that the matter be deferred for one week, which was seconded by Councilman Baxter, and unanimously carried.

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EMPLOYMENT OF INDIVIDUAL TO HEAD A CIVIL DEFENSE PROGRAM AUTHORIZED.

Councilman Boyd moved that the Mayor and City Manager be authorized to employ an individual to head up a Civil Defense Program in Charlotte, if they deem it advisable. The motion was seconded by Councilman Dellinger, and unanimously carried.

RESOLUTION REQUESTING THE BOARD OF SCHOOL COMMISSIONERS NOT TO DISPOSE OF ACREAGE ON INDEPENDENCE BOULEVARD NEAR COLISEUM-AUDITORIUM.

A resolution entitled: "Resolution Requesting the Board of School Commissioners Not to Dispose of Acreage on Independence Boulevard Near Coliseum-Auditorium" was introduced and read by Councilman Brown, following which he moved the adoption of the resolution as presented. The motion was seconded by Councilman Boyd, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 128.

RESOLUTION ADOPTED PROVIDING FOR PUBLIC HEARING ON SEPTEMBER 30TH ON REQUESTED AMENDMENT TO THE ZONING ORDINANCE TO CHANGE BUILDING ZONE MAP FROM RESIDENCE-1 TO BUSINESS-1 ON PROPERTY AT INTERSECTION OF BRANDYWINE AND SELWYN AVENUES.

An ordinance entitled: "Ordinance No. 187 to Amend the Zoning Ordinance, by changing the Building Zone Map from Residence-1 to Business-1 on property at the intersection of Brandywine and Selwyn Avenues was introduced and read. Following which a resolution entitled: "Resolution Providing for a Public Hearing on the Amendment," on September 30th, was introduced and read. Councilman Dellinger 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 129.

PURCHASE OF TRIANGULAR PARCEL OF LAND AT 1501-03 SOUTHWOOD AVENUE FROM MINOSHIA ROWLAND PRATT AND HUSBAND FOR RIGHT-OF-WAY FOR WIDENING OF GOLD STREET AND ARGONNE DRIVE.

Councilman Brown moved approval of the purchase of a triangular parcel of land off the northeasterly side of lots at 1501-03 Southwood Avenue, from Minoshia Rowland Pratt and husband, at a price of \$1,516.65 for right-of-way for the widening of Gold Street and Argonne Drive. The motion was seconded by Councilman Wilkinson, and unanimously carried.

PLAT OF HEATHER KNOLL SUBDIVISION APPROVED.

Upon motion of Councilman Smith, seconded by Councilman Baxter, and unanimously carried, the Plat of Heather Knoll Subdivision was approved as recommended by the Planning Board.

CHANGE IN NAMES OF OEHLER LANE TO TANGLEWOOD LANE, AND OF AVON TERRACE TO HANSON DRIVE.

Motion was made by Councilman Dellinger, seconded by Councilman Albea, and unanimously carried, authorizing the change in street names as follows, as recommended by the City Engineer and Planning Board:

- (a) Name of Oehler Lane changed to Tanglewood Lane, from Brandon Circle to Harris Road.
- (b) Name of Avon Terrace changed to Hanson Drive, from Providence Road to present Hanson Drive.

CONTRACT DATED DECEMBER 13, 1950, WITH SAL RAILWAY COMPANY RESCINDED AND NEW CONTRACT AUTHORIZED FOR INSTALLATION OF WATER MAINS UNDER THE RAILWAY'S TRACKS IN PHILADELPHIA AVENUE.

Councilman Albea moved that contract, dated December 13, 1950, with the Seaboard Airline Railway Company for the installation of a 6-inch water main under their tracks in Philadelphia Avenue, be rescinded, and a new contract for the said installation be authorized, as recommended by the City Manager. The motion was seconded by Councilman Brown, and unanimously carried.

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RENEWAL OF SPECIAL OFFICER PERMIT TO ONNIE M. HILL FOR USE ON PREMISES OF RULANE GAS & CHARLOTTE TANK COMPANY.

Upon motion of Councilman Wilkinson, seconded by Councilman Dellinger, and unanimously carried, the Special Officer Permit issued to Onnie M. Hill for use on the premises of Rulane Gas Company and Charlotte Tank Company was renewed for one year.

CONSTRUCTION OF NEW SANITARY SEWER MAINS AUTHORIZED.

Motion was made by Councilman Smith, seconded by Councilman Wilkinson, and unanimously carried, authorizing the construction of new sanitary sewer mains at the following locations:

- (a) 110 feet of main in Garnette Place, at an estimated cost of \$200.00, to serve one family unit, with all cost to be borne by the City.
- (b) 62 feet of main in Worthington Avenue, at an estimated cost of \$225.00, to serve two business units, with all cost to be borne by the City.
- (c) 1,122 feet of main in State and Bond Streets, at an estimated cost of \$6,105.00, to serve one business unit. All cost to be borne by the City, and deposit of \$5,905.00 by the applicant, P & N Realty Company, to be refunded as per terms of the contract.

STREETS TAKEN OVER FOR MAINTENANCE.

Upon motion of Councilman Albea, seconded by Councilman Brown, and unanimously carried, the following streets were taken over for maintenance:

- (a) Mulberry Street, from Washington Avenue to Patton Avenue.
- (b) Condon Street, from Washington Avenue to Patton Avenue.
- (c) Fairfield Street, between Oaklawn Avenue and Patton Avenue.

REMOVAL OF TREES AT 1900 COMMONWEALTH AVENUE APPROVED.

Councilman Smith moved that the request of Mr. J. F. Heinz to remove two trees from the planting strip at 1900 Commonwealth Avenue, which interfere with the construction of a driveway entrance, be approved. The motion was seconded by Councilman Albea, and unanimously carried.

CONTRACT AWARDED MINNESOTA MINING & MANUFACTURING COMPANY FOR HEAT LAMP VACUUM APPLICATOR.

Upon motion of Councilman Albea, seconded by Councilman Wilkinson, and unanimously carried, contract was awarded the Minnesota Mining & Manufacturing Company for a 4' x 6' Infra Red Heat Lamp Vacuum Applicator, as specified, at a net delivered price of \$1,186.43.

CONTRACT AWARDED LANGSTON-MOORE, INC. FOR DESOTA FOUR-DOOR SEDAN.

Councilman Dellinger moved that contract be awarded Langston-Moore, Inc., for One DeSota Standard Four-door Sedan, as specified, at a net exchanged delivered price of \$2,200.00, for the Fire Department. The motion was seconded by Councilman Wilkinson, and unanimously carried.

CONTRACT AWARDED BADGER METER COMPANY FOR WATER METERS.

Motion was made by Councilman Wilkinson, seconded by Councilman Dellinger, and unanimously carried, awarding contract to Badger Meter Company, for 1,500 Displacement Type Cold Water Meters, 5/8-inch as specified, on a unit price basis, representing a net delivered price of \$32,100.00.

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CONTRACT AWARDED THE FORD METER BOX COMPANY FOR METER YOKES.

Upon motion of Councilman Brown, seconded by Councilman Albea, and unanimously carried, contract was awarded The Ford Meter Box Company for 1,500 No. 209-U and 500 No. 101-U Meter Yokes, as specified, on a unit price basis, representing a net delivered price of \$6,810.00.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

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

- (a) One 12-ft. driveway at 615 North Pine Street.
- (b) One 10-ft. driveway at 1117 North Harrill Street.
- (c) One 18-ft. driveway on Second St. for 300 S. Tryon Street.
- (d) One 12-ft. driveway at 1647 Merry Oaks Road.
- (e) One 15-ft. driveway at 1224 Towns Avenue.
- (f) One 30-ft. driveway at 1900 Floral Avenue.
- (g) Two 30-ft. driveways on Monroe Road and Two 30-ft. on Mayview Drive all for 3933 Monroe Road.
- (h) Lengthen present 12-ft. driveway at 412 North Church Street 4 feet on each side, to make a 20-ft. driveway.

TRANSFER OF CEMETERY LOT.

Councilman Wilkinson moved that the Mayor and City Clerk be authorized to execute a deed with Mr. Donald Follmer and wife, for Lot 361, in Section 2, Evergreen Cemetery, at a cost of \$156.00. The motion was seconded by Councilman Smith, and unanimously carried.

CLAIM OF DAVID MALCOLM LARSEN AND MR. AND MRS. J. M. LARSEN REFERRED TO CITY ATTORNEY.

Upon motion of Councilman Dellinger, seconded by Councilman Wilkinson, and unanimously carried, the Claim in the amount of \$2,500.00 filed by Mr. Parker Whedon, Attorney in behalf of his clients, David Malcolm Larsen and his parents Mr. and Mrs. J. M. Larsen, for injuries to David on August 10, 1952, sustained from falling on a broken bottle at Freedom Park, was referred to the City Attorney.

RESOLUTION AUTHORIZING FRANK T. MILLER TO PREPARE PLANS AND SPECIFICATIONS FOR A BRIDGE, SIDEWALKS AND APPURTENANT STRUCTURES ON EAST ELEVENTH STREET.

A resolution entitled: "Resolution Authorizing Frank T. Miller to prepare Plans and Specifications for a Bridge, Sidewalks and Appurtenant Structures on East Eleventh Street" was introduced and read. Councilman Dellinger 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 130.

SUPPLEMENTAL CONTRACT WITH J. N. PEASE AND COMPANY FOR THE REDESIGN OF IRWIN CREEK DISPOSAL PLANT.

Councilman Baxter moved that a supplemental contract be authorized with J. N. Pease & Company providing for the redesign of the Irwin Creek Disposal Plant, for a sum not to exceed \$5,000.00, made necessary by the additional capacity required under the provisions of the Industrial Waste Ordinance subsequently adopted by the City Council. The motion was seconded by Councilman Brown, and unanimously carried.

EMPLOYMENT OF ADDITIONAL INSPECTOR IN BUILDING INSPECTION DEPARTMENT AUTHORIZED.

Upon the recommendation of the City Manager, Councilman Dellinger moved that the employment of an additional Inspector in the Building Inspection Department be authorized to inspect Natural Gas installations and make Smoke Abatement inspections, at a salary, including car allowance, not to exceed \$3,870.00 for the remainder of this fiscal year, and that the said amount be transferred from the Emergency Fund (Code 110) for this purpose. The motion was seconded by Councilman Baxter, and unanimously carried.

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**DISCARDED POLICE AND FIREMEN UNIFORMS AUTHORIZED SOLD TO GREEK RELIEF COMMITTEE.**

Councilman Albea moved that the accumulated discarded police and firemen uniforms which are not usable under the City's present policy, be sold to the Greek Relief Committee, as recommended by the City Manager. The motion was seconded by Councilman Wilkinson, and unanimously carried.

**LEAVE OF ABSENCE WITH PAY GRANTED HEALTH DEPARTMENT TECHNICIAN TO TAKE EIGHT WEEKS TRAINING COURSE AT UNIVERSITY OF NORTH CAROLINA.**

Councilman Brown moved that a leave of absence be granted to Mr. Edgar Seagle, Technician in the Health Department, for a period of eight weeks to take a training course in public health at the University of North Carolina, and that his salary of \$270.00 per month be continued for this period, with the understanding that he will remain in the City's employ for at least two years after his return. The motion was seconded by Councilman Dellinger, and unanimously carried.

**AGREEMENT WITH RAILWAY COMPANIES RELATIVE TO PARTICIPATION IN COST OF NEW OVERHEAD BRIDGE ON EAST ELEVENTH STREET.**

Mr. Yancey, City Manager, advised the Council that on yesterday he reached an agreement with representatives of the Southern Railway Company, the Seaboard Airline Railway Company and Norfolk-Southern Railway Company relative to the construction of a new overhead bridge on East Eleventh Street, whereby each of the said companies will contribute 25 percent of the cost of the said construction, the amount not to exceed \$25,000.00 from each company, subject to formal ratification by the Railway authorities.

**TRANSFER OF INDEPENDENCE BOULEVARD PROPERTY TO B. L. BRYAN AUTHORIZED.**

Mr. Yancey, City Manager, recommended that the offer of Mr. B. M. Bryan be accepted to acquire from the City at a price of \$1.00 per square foot less street paving assessments, by deed without warranty, the property which he deeded to the City of Charlotte for the extension of Independence Boulevard, which property was not used for street purposes as a result of changes in the plans by the State Highway & Public Works Commission, together with the residue of the Cozart property and Hattie Lowman property now owned by the City and not used for street purposes, for the aforementioned reasons. Mr. Elbert Foster, Attorney representing Mr. Bryan, stated that Mr. Bryan had been led to believe at the time the City acquired his property that Independence Boulevard would be extended without assessments against his land. Mr. Yancey confirmed Mr. Foster's statement and further advised that the other property owners similarly affected had been advised accordingly. A portion of these properties were afterwards used for the extension of Stonewall Street, for which an assessment for paving is expected to be levied. Councilman Boyd moved that the offer of Mr. Bryan be accepted as recommended. The motion was seconded by Councilman Albea, and unanimously carried.

**VOTE OF CONFIDENCE GIVEN CHIEF OF POLICE AND MEMBERS OF POLICE DEPARTMENT IN DISCUSSION OF CHARGES BROADCAST BY DREW PEARSON, COMMENTATOR.**

Councilman Boyd submitted the following statement to the City Council:

"As Gabriel Heater says in his nation-wide Radio Broadcasts, I propose to use this opportunity and this forum to get my two cents worth of comment into the official records of this meeting of the City Council about, what I consider to be, some slanderous and unfounded statements made in the last three days by one Drew Pearson of Washington, D. C., about certain conditions in Charlotte, which slanders, vicious, and ill-considered statements I take it, reflect upon the entire citizenry of this great city and particularly upon the character and the integrity of our Chief of Police and the members of our Police Department; upon the Mayor, the members of the City Council and the City Manager.

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OMFRD

In the 6th Chapter of Proverbs there is recorded these words: 'These six things doth the Lord hate: a lying tongue; a heart that deviseth wicked imaginations; and a false witness that speaketh lies; and he that soweth discord among brethern; etc.' I think those words applicable to Mr. Pearson in what he said and is reported to have said.

I shall not burden you with a repetition of Mr. Pearson's vile, malicious, ill-advised and unfounded charges and insinuations. I assume that each of you heard them over the nation-wide broadcast or have read them in the local newspapers.

When Drew Pearson charges that a gambling racket flourishes in Charlotte under the protection of bribed policemen, he is a common liar and an enemy to the citizenship of this great city of God-fearing, law abiding citizens.

From the time whereof the memory of man runneth not to the contrary, Charlotte and Mecklenburg County have been noted for many fine things, and one of those things has been the honesty and integrity of their public officials, both elective and appointive, and I am convinced that that situation prevails here today and I think that we elected officials and representatives of the people of this great city should keep it so, and that we refuse to sit supinely by and allow any person to use the means and the methods that Mr. Pearson has used to slander, not only our Police Department and particularly our Chief of Police appointed by this Body, but even ourselves likewise, and let him get away with it before the nation and before our own citizenry.

I think the time is at hand for this elected Council to take matters of this nature and importance in our own hands and officially demand that somebody prove something or else stop all of this loose talk and veiled insinuations which any man with eyes backed by a normal brain can see through, and for this elected Council to meet this thing like men and stop fooling around with some appointed Committee that has no power or authority to act in any official capacity.

Personally and officially I resent on behalf of our Police Department what Mr. Pearson has said. I think one of the great troubles with this nation is that we ignore attacks such as this."

Councilman Baxter stated that the majority of the Council had a Committee appointed to study the Police Department but in his opinion

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maintain a well paid and trained group of law enforcement officers. In no way, shape or form are they pretending to be Witch Hunters or Character Assassins. The purpose above all of the Committee is to give Charlotte the best Police Department in the entire country. The Committee wishes to offer its congratulations to Chief Littlejohn and to the entire Police Department on the thorough job of bringing the Swink Murder Case to an early and most satisfactory solution.

Councilman Boyd stated further that in order that the members of the Police Department know how the City Council feels about this thing, he moved that the Council give the Chief of Police and the men in his department a vote of confidence in their honesty and integrity. The motion was seconded by Councilman Baxter, and unanimously carried.

Councilman Baxter then moved that the Council give Mr. Drew Pearson three days in which to answer the Mayor and this Council relative to his insinuations and innuendoes. Councilman Boyd stated he would second the motion in order to get it before the house for discussion.

Councilman Boyd then stated that he would dislike to see the Council take any action in the matter that could not be carried through, as a newspaper reporter cannot be made to give the facts; however, Mr. Pearson should be made to give the facts to the Courts, and the Council should have Mr. Marley to give the information given him by Mr. Pearson to the City Council.

Councilman Smith urged that the Council allow the Committee to furnish its report of the facts which they have obtained.

Councilman Brown stated he did not feel that Mr. Pearson was reflecting on the character of the Council members, and that the Committee could handle such charges.

Councilman Dellinger stated that he understood the Committee was appointed to try to help the Police Department about salaries, working conditions, etc., and that he was not sure that the charges brought by Mr. Pearson is a part of the work of the Committee.

Councilman Boyd stated further that the Committee in handling the charges has gone beyond the scope of its duties and province.

The vote was then taken on the motion by Councilman Baxter, and was lost, with the votes cast as follows:

AYE: Councilmen Baxter.

NAY: Councilman Albea, Boyd, Brown, Dellinger, Smith and Wilkinson.

ADJOURNMENT.

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

*Lillian R. Hayfman*  
City Clerk