

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, at 4 o'clock p.m., on Wednesday, May 16, 1951, with Mayor Shaw presiding, and Councilmen Albea, Baxter, Boyd, Coddington, Dellinger, Jordan and Van Every present.

INVOCATION.

The invocation was given by Mr. Francis O. Clarkson.

MINUTES OF MAY 14TH APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Van Every, and unanimously carried, the minutes of the meeting on Monday, May 14th, were approved as submitted.

ORDINANCE (No. 132) AMENDING THE ZONING ORDINANCE ADOPTED.

The scheduled hearing relative to the proposed amendment to the Zoning Ordinance, to change the Building Zone Map from Residence-1 to Business-1 district, was opened with the reading of the ordinance. Mayor Shaw invited remarks from the public both for and against the proposed change.

No objections to the zoning change were expressed. Mr. Francis Clarkson, Attorney representing Mr. R. T. Hammett, part owner of the property and petitioner together with Mr. John M. Wallace, owner of the remainder of the property, for the proposed change, appeared before Council and urged that the area be rezoned. He stated it was their understanding that there was no objection to the change by the adjoining property owners.

Whereupon, Councilman Boyd moved the adoption of the ordinance. The motion was seconded by Councilman Jordan, and unanimously carried, and the ordinance was adopted. The Ordinance is recorded in full in Ordinance Book 11, beginning at Page 12.

REAPPOINTMENT OF HENRY A. YANCEY AS CITY MANAGER.

Councilman Van Every moved the reappointment of Mr. Henry A. Yancey as City Manager. The motion was seconded by Councilman Coddington, and unanimously carried.

REAPPOINTMENT OF LILLIAN R. HOFFMAN AS CITY CLERK.

Councilman Boyd moved the reappointment of Mrs. Lillian R. Hoffman as City Clerk. The motion was seconded by Councilman Van Every, and unanimously carried.

REAPPOINTMENT OF JOHN D. SHAW AS CITY ATTORNEY.

Councilman Albea moved the reappointment of Mr. John D. Shaw as City Attorney. The motion was seconded by Councilman Baxter, and unanimously carried.

REAPPOINTMENT OF L. L. LEDBETTER, AS CITY TREASURER.

Councilman Dellinger moved the reappointment of Mr. L. L. Ledbetter as City Treasurer. The motion was seconded by Councilman Boyd, and unanimously carried.

REAPPOINTMENT OF GEORGE B. LIVINGSTON AS CITY ACCOUNTANT.

Councilman Jordan moved the reappointment of Mr. George B. Livingston as City Accountant. The motion was seconded by Councilman Boyd, and unanimously carried.

REAPPOINTMENT OF JAMES W. ARMSTRONG AS COLLECTOR OF REVENUE.

Councilman Boyd moved the reappointment of Mr. James W. Armstrong as Collector of Revenue. The motion was seconded by Councilman Van Every, and unanimously carried.

REAPPOINTMENT OF FRANK N. LITTLEJOHN AS CHIEF OF POLICE.

Councilman Dellinger moved the reappointment of Mr. Frank N. Littlejohn as Chief of Police. The motion was seconded by Councilman Baxter, and unanimously carried.

REAPPOINTMENT OF DONALD S. CHARLES AS CHIEF OF THE FIRE DEPARTMENT.

Councilman Jordan moved the reappointment of Mr. Donald S. Charles as Chief of the Fire Department. The motion was seconded by Councilman Dellinger, and unanimously carried.

REAPPOINTMENT OF THOMAS G. LANE, JR., AS CITY SOLICITOR.

Councilman Coddington moved the reappointment of Mr. Thomas G. Lane, Jr., as City Solicitor. The motion was seconded by Councilman Jordan, and unanimously carried.

APPOINTMENT OF J. C. SEDBERRY AS CITY RECORDER.

Councilman Van Every moved the reappointment of Judge E. McA. Currie as City Recorder. The motion was seconded by Councilman Coddington.

Councilman Baxter moved the appointment of Mr. J. C. Sedberry as City Recorder. The motion was seconded by Councilman Jordan.

Mayor Shaw requested the permission of the floor, and stated that since his election two years ago he has spent his time at the City Hall as he promised the voters and he knows what goes on here. That he would not like to see a change in the Recorder's Court. That if anyone could prove to him that Judge Currie can be approached or that he does not make decisions according to law, then he would be the first to ask that he not be reappointed. That although other appointed officials of the City may be removed by the Council at any meeting, the Judge of the Recorder's Court serves for two years and cannot be removed unless something is proven against him. He further stated that he does not know Mr. Sedberry, but has heard very fine things about him and one member of the Council states he believes that Mr. Sedberry was once Judge of a Court in some place. Mayor Shaw continued and said that he would like to ask the Councilman why he is trying to remove Judge Currie from the Recorder's Court.

Councilman Baxter replied that he has two reasons: first, that he feels that Judge Currie has been too lenient with criminals who are brought before his court, and that crime will be decreased if a change of Judges is made. That his other reason is that he has been informed that Judge Currie attended the Mayor's caucus meetings to see that men were elected who would support him, and that it is against his principles for anyone in public office to politic for the continuance of his job.

Councilman Coddington stated he was told before Councilman Baxter was elected that a situation such as this would happen. That he believes that Councilman Baxter, the two Councilmen who were on a former Council plus Councilman Boyd, have lined up to control the Council and that the appointment of the Judge of Recorder's Court has been railroaded.

Councilman Jordan stated his reason for voting for Mr. Sedberry is he believes him to be a fine man. That he voted against Mr. Currie for Judge four years ago and again two years ago. That the people of Charlotte elected the Councilmen to use their best judgment in the selection of officials and the Council is privileged to vote for whomever they wish.

Mayor Shaw stated he understands the Police Department objects to Judge Currie as head of the Recorder's Court and he does not feel the Police Department should run the Court but it is the business of the City.

Councilman Van Every stated that he does not know Mr. Sedberry, that he has met Mr. Currie but does not know him well; however, he has been told he is a man of high character, a man who cannot be bought, a man who is somewhat aloof but renders decisions he thinks are just and fair. That he has not heard a single citizen object to Mr. Currie and he believes he would continue to do a good job as Judge of the Court. He stated further he does not believe that crime can be decreased by changing the person who is Judge of the court, that it is a two way road and citizens should be given a fair trial, and if the Judge sees fit to convict, or turn loose as the case may be, a person, then that is on his own conscience.

Mayor Shaw stated to Councilman Baxter that he has noted a statement by him that he was coming to the City Hall to be helpful; however, it appears to him that he is beginning by breaking down the Court and that Councilman Baxter will find he is making a big mistake, which will be proven. He continued by saying he feels as Mayor he should have the privilege of knowing the person who will be head of the City Court. That he is having a meeting with a group of good citizens on tomorrow who are much concerned over the question of juvenile delinquency in our City; that the Charter provides that the Mayor should be diligent in the matter of law enforcement. That he feels the Councilmen should go along with him in his efforts to serve the citizens well, but as it now looks the Councilmen will go about their private businesses and leave him sitting at the City Hall to shoulder the blame for the complaints that come up and for whatever may happen. He urged that the appointment of the Judge be postponed until he may learn more about Mr. Sedberry.

Councilman Van Every stated he does not think that personalities should be dwelt upon but the man who is best qualified to best serve the City should be elected; that he would dislike to see a change from Judge Currie but it may be because he does not know Mr. Sedberry, and it is his desire to be fair to all concerned.

Mayor Shaw called for the vote on the motion for the appointment of Judge Currie as Recorder, which motion was lost with the votes cast as follows:

AYE: Councilmen Coddington, Dellinger and Van Every.
NAY: Councilmen Albea, Baxter, Boyd and Jordan.

The vote was then taken for the motion for the appointment of Mr. J. C. Sedberry as Recorder, and carried, with the votes cast as follows:

AYE: Councilmen Albea, Baxter, Boyd and Jordan.
NAY: Councilmen Coddington, Dellinger and Van Every.

REAPPOINTMENT OF JAMES B. MCMILLAN AS VICE RECORDER.

Councilman Jordan moved the reappointment of Mr. James B. McMillan as Vice Recorder. The motion was seconded by Councilman Dellinger, and unanimously carried.

PRESENT SALARIES AND BONDS OF APPOINTED OFFICIALS DIRECTED TO REMAIN IN EFFECT UNTIL CHANGED.

Councilman Boyd moved that the present salaries of the appointed officials remain in effect until the time the new budget is made, and that the present bonds remain the same. Motion was seconded by Councilman Van Every, and unanimously carried.

PURCHASE OF STRIP OF LAND ON S. BREVARD STREET FOR EXTENSION OF EAST STONEWALL STREET.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, authority was given for the purchase of a strip of land fronting 27.51 feet on the northwesterly side of South Brevard Street and extending northwesterly with approximately that width 381.88 feet along the

southwesterly side of East Stonewall Street to the property of the Southern Railway, from Parks M. King, Jr. and wife, Margaret R. King, Mary Norton King Stewart and husband, Robert R. Stewart, Richard Morrison King, Jr., and wife Myrtle C. King, Margaret King Terry and husband, Henry Riddell Terry, and Elizabeth King, in the amount of \$6,654.69, for the extension of East Stonewall Street.

REMOVAL OF TREE FROM PLANTING STRIP AT 919 DUNBAR STREET APPROVED.

Motion was made by Councilman Jordan, seconded by Councilman Dellinger, and unanimously carried, authorizing the removal of a tree from the planting strip at 919 Dunbar Street which interferes with the operation of the paint shop of White Star Body Works.

CONTRACT AUTHORIZED WITH PARK ROAD WATER COMPANY FOR INSTALLATION OF WATER MAINS AND HYDRANT IN PARK ROAD TERRACE.

Councilman Albea moved that a contract be authorized with the Park Road Water Company for the installation of 1,870 feet of water mains and one fire hydrant in Park Road Terrace, outside the city limits, at an estimated cost of \$3,700.00 to serve 24 residential lots. Construction costs to be borne by the applicant, who will own the mains and hydrant until such time as the area is taken into the city, when they will automatically become the property of the city. Motion was seconded by Councilman Jordan, and unanimously carried.

CONSTRUCTION OF SANITARY SEWER IN GESCO STREET AUTHORIZED.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, the construction of 165 feet of sanitary sewer in Gesco Street, at an estimated cost of \$400.00, to serve two business concerns and one vacant lot, at the City's expense, was authorized.

HOLIDAY GRANTED CITY EMPLOYEES ON MAY 21st IN OBSERVANCE OF THE SIGNING OF THE MECKLENBURG DECLARATION OF INDEPENDENCE.

Councilman Coddington moved that a holiday be granted city employees on Monday, May 21st, in observance of the Signing of the Mecklenburg Declaration of Independence. Motion was seconded by Councilman Jordan, and unanimously carried.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

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

- (a) One 12 ft. entrance at 1628 Sterling Road.
- (b) One 20 ft. entrance on Union Street for 1225 Kennon Street.
- (c) One 8 ft. entrance at 1127 Belgrave Pavement.
- (d) One 10 ft. entrance at 3536 Draper Avenue.

UNFIT HOUSING REPORT SUBMITTED.

The City Manager gave the Unfit Housing Progress Report for the months of March and April, as follows:

Number of inspections made during period	366.
Number of Housing Units brought up to standard	246
Number of property owners cited for hearings	10
Number of Housing Units Condemned	18

REPORT OF LEASES CONCLUDED ON BUILDINGS AT DOUGLAS MUNICIPAL AIRPORT.

Mr. Yancey, City Manager, reported that leases have been concluded on the following buildings at Douglas Municipal Airport:

BUILDING NO.	LESSEE	MONTHLY RENTAL	DATE AND TERM OF LEASE
354	WMP Industries, Inc.	\$5.00	4-16-51 1 year renewal
353	WMP Industries, Inc.	12.50	4-16-51 1 year renewal
285	WMP Industries, Inc.	77.00	4-16-51 1 year renewal
287	G.S. Patton & Associates	21.00	5-1-51 1 year
287	Wingate Mfg. company	25.44	4-16-51 1 year renewal

DEEDS AUTHORIZED EXECUTED FOR TRANSFER OF CEMETERY LOTS.

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

(a) Deed to Mrs. Earline W. McAllister, for Lot #72 in Section 4-A, Evergreen Cemetery, at \$81.90.

(b) Deed to James Chagaris, for Lot #123, in Section 4-A, Evergreen Cemetery, at \$81.90.

(c) Deed to Lynn W. Harkey and Mrs. Margaret H. Solomon, for Lot #228, in Section 3, Evergreen Cemetery, at \$156.00.

(d) Deed to George C. Chambis, for Lot #272, in Section 4-A, Evergreen Cemetery, at \$81.90.

(e) Deed to W. T. Buice and wife, for Lot #45, in Section L-Annex, Elmwood Cemetery, transferred from Charles D. Moretz and wife, at \$1.00 for transfer deed.

PURCHASE OF SURPLUS BUILDING AT DOUGLAS MUNICIPAL AIRPORT REQUESTED BY REPRESENTATIVES OF THE CHARLOTTE OPERA ASSOCIATION.

Mr. Donald McDonald was spokesman for a delegation of members of the Charlotte Opera Association, requesting the purchase of a surplus building at Douglas Municipal Airport, for their use in the work of the Association. Mrs. B. C. Allen, Association President and others spoke of the work of the Association and their need for such building. The Council directed the City Manager to work out the details and submit it for their approval at next week's meeting.

ADJOURNMENT.

Upon motion of Councilman Jordan, seconded by Councilman Van Every, and unanimously carried, the meeting was adjourned.


City Clerk