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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, April 25, 1956, at 11 o'clock a.m., with Mayor Van Every presiding, and Council members Albea, Baxter, Brown, Dellinger, Evans, Smith and Wilkinson being present.

ABSENT: None.

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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 18th were approved as submitted.

ORDINANCE NO. 311-X EXTENDING THE CITY LIMITS BY ANNEXING TWO TRACTS OF LAND (167.20 and 12.80 ACRES) IN CRAB ORCHARD TOWNSHIP, UPON PETITION OF JACK H. BROWN AND WIFE, E. N. RICHARDS AND WIFE AND J. E. MCCRAW AND WIFE.

The scheduled hearing was held in connection with the Petition of Jack H. Brown and wife, E. N. Richards and wife, and J. E. McCraw and wife, for the annexation to the City of Charlotte of two tracts of land in Crab Orchard Township, consisting of 167.20 and 12.80 acres. No objections to the proposed annexation were voiced. Councilman Albea moved the adoption of Ordinance No. 311-X Extending the Corporate Limits by Annexing the two tracts of land. The motion was seconded by Councilman Smith, and unanimously carried. The ordinance is recorded in full in Ordinance Book 12, at Pages 37-38.

NAME OF "MORNINGSIDE DRIVE" GIVEN ENTIRE LENGTH OF STREET FROM SHENANDOAH AVENUE TO ROLAND STREET.

Councilman Albea moved that the name of Morningside Drive be given the entire length of the street being from Shenandoah Avenue to Roland Street, eliminating the name of Wasena Street from Shenandoah to Commonwealth Avenue. The motion was seconded by Councilman Dellinger, and unanimously carried.

SURVEY AND REPORT REQUESTED ON FEASIBILITY OF LEFT TURNS AT MOREHEAD AND TRYON, STONEWALL AND TRYON, KINGS DRIVE AND MOREHEAD, SOUTH BOULEVARD AND EAST BOULEVARD, AND FOURTH STREET AND INDEPENDENCE BOULEVARD.

Councilwoman Evans moved that the City Manager be requested to have a new survey made of the feasibility of allowing left turns at the intersections of Morehead and South Tryon Street, Stonewall and South Tryon, Kings Drive and Morehead, South Boulevard and East Boulevard, and Fourth Street and Independence Boulevard, and a report be given Council at the earliest possible time. The motion was seconded by Councilman Smith, and unanimously carried.

ENGINEERING STUDY AND REPORT REQUESTED ON ADVISABILITY OF WIDENING SOUTH POPLAR STREET IN 600 BLOCK TO 25 FEET.

Councilwoman Evans moved that the City Manager have an engineering study made of the advisability of widening South Poplar Street in the 600 block to a width of 25 feet. The motion was seconded by Councilman Albea, and unanimously carried.

NO ADDITIONAL INSURANCE PAYROLL DEDUCTIONS TO BE MADE.

Councilman Brown moved that City Employees be allowed to secure additional insurance protection by payroll deductions, if the cost of making the deductions will not mean additional personnel and/or machines. The motion was seconded by Councilman Smith. Mr. Yancey stated that it will definitely mean additional expense to the City to handle more payroll

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deductions. That the Insurance Payroll Deduction Committee, appointed last year to study the situation, recommended that no further payroll deductions be made. He stated further it is impossible to say what the additional cost would be, as it is not known how many employees would be interested in having additional insurance. Councilman Dellinger stated he is of the opinion that every company should have an even chance at City business but does not think that additional funds should be spent by the City in handling more payroll deductions. The vote was taken on the motion, which carried, with the following votes cast:

YEAS: Council members Baxter, Brown, Dellinger, Evans, Smith and Wilkinson.

NAYS: Councilman Albea.

Councilman Albea stated he voted against the motion to make further payroll deductions in view of the statement of the City Manager that it would definitely cost the City additional money.

Councilman Dellinger then moved that the City Manager survey the situation and give the Council a report as to what the estimated cost would be if deductions were made for one, two or four more insurance companies. The motion was seconded by Councilman Albea.

City Accountant Geo. B. Livingston was called into the meeting, and Councilman Brown asked him if additional payroll deductions could be made without additional personnel and machines. Mr. Livingston replied that the remaining space on the payroll form was used in January for Social Security, and if space for further deductions is added to the payroll form, a wider form will have to be used, and many departments will have to purchase wide-carriage typewriters on which to make their payrolls.

Councilman Brown stated since new equipment would have to be purchased his motion is killed, and the matter is dropped.

ORDINANCE NO 323 AMENDING THE CITY CODE REPEALING THE PRESENT SMOKE ABATEMENT ORDINANCE AND SUBSTITUTING IN LIEU THEREOF A NEW ORDINANCE ENTITLED: "AIR POLLUTION CONTROL ORDINANCE".

Ordinance No. 323 Amending the City Code Repealing the Present Smoke Abatement Ordinance and Substituting in Lieu Thereof a New Ordinance Entitled: "Air Pollution Control Ordinance" was introduced by Councilman Smith, who asked Mr. Charles S. Frost, Air Pollution Control Director, to explain to the Council the function of the Advisory and Appeal Board provided for in the ordinance.

Mr. Frost stated it is strictly an Advisory Board to the Council, City Manager and Director on matters of air pollution control; also, an Appeal Board to review appeals by citizens dissatisfied with any decision of the Director. That the Board has no final authority, and its decision may be appealed to the City Council. Mr. Frost stated further that the procedure and Board provided for in the ordinance is the same under which the Air Pollution Control Department of Roanoke, Va., has functioned for the past nine years, and of Cincinnati since 1939.

Councilman Smith moved the adoption of the ordinance, which was seconded by Councilwoman Evans, and unanimously carried. The ordinance is recorded in full in Ordinance Book 12, at Pages 39-49.

RESIGNATION OF CITIZENS COMMITTEE FOR AIR POLLUTION CONTROL ACCEPTED WITH APPRECIATION OF COUNCIL FOR THEIR WORK.

Mr. B. O. Vannort, Chairman of the Citizens Committee for Air Pollution Control expressed his appreciation to the Council for supporting the ordinance prepared by them and the Air Pollution Control Director. He stated they believe it to be a good ordinance that will bring about splendid results for the city. He extended the resignation of the Committee as the work for which they were appointed has been completed.

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Councilman Smith moved the acceptance of the resignation with the sincere appreciation of the Council for their splendid work in behalf of the city in securing the services of a director, the promotion of the air pollution program, and their assistance in the preparation of the ordinance, and he stated the Council may call on them again. The motion was seconded by Councilman Brown, and unanimously carried.

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

A resolution entitled: "Resolution with Regard to Placing Footings under Sidewalk Adjacent to New Building of Wachovia Bank & Trust Company on South Church and West Trade Streets" was introduced and read. Upon motion of Councilman Smith, seconded by Councilman Brown, and unanimously carried, the resolution passed its first reading. The resolution is recorded in full in Resolutions Book 2, at Page 421.

**RESOLUTION AUTHORIZING THE CITY TREASURER TO INVEST BOND FUND CASH.**

A resolution entitled: "Resolution Authorizing the City Treasurer to Invest Bond Fund Cash" was introduced and read. Councilman Smith moved the adoption of the resolution, which was seconded by Councilman Wilkinson, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 422.

**CANCELLATION OF TAXICAB CERTIFICATE OF CONVENIENCE & NECESSITY HELD BY L. N. SUDDRETH AND NEW CERTIFICATE AUTHORIZED ISSUED TO EDGAR ROBERT BAKER.**

Motion was made by Councilman Albea, seconded by Councilman Dellinger, and unanimously carried, authorizing the cancellation of Taxicab Certificate of Convenience & Necessity held by L. N. Suddreth, and the issuance of a new Certificate of Convenience & Necessity to Edgar Robert Baker.

**STREETS TAKEN OVER FOR MAINTENANCE BY CITY.**

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

- (a) Post Street, from Cedar Street to Pitcher Street.
- (b) Morningside Drive, from Commonwealth Ave. to Shenandoah Ave.

**CONSTRUCTION OF SANITARY SEWERS AUTHORIZED.**

Motion was made by Councilman Wilkinson, seconded by Councilman Smith, and unanimously carried, approving the construction of sanitary sewers at the following locations:

- (a) 90-ft. of 8-inch sewer main in Eldrege Street, at request of W. S. Clanton, to serve five family units, at an estimated cost of \$280.00. All costs to be borne by the City.
- (b) 202-ft. of 8-inch sewer main in Johnson Street, at request of Standard Ice & Fuel Company, to serve four business units, at an estimated cost of \$600.00. All costs to be borne by the City.
- (c) 1,827-ft. of sewer main and trunk in Wembley Drive, at request of Marsh Realty Company, to serve 31 vacant lots, at an estimated cost of \$5,000.00. All costs to be borne by the City, and the refund of applicant's deposit of the entire cost, as per terms of the contract.
- (d) 300-ft. of sewer main in U. S. 29 Highway By-pass at Stewart Creek, outside the city, in order that the City may extend the sewer up the creek in the near future without cutting the highway. Cost estimated at \$1,030.00 to be borne by the City.

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CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

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

- (a) One 20-ft. driveway entrance at 3217 N. Caldwell Street.
- (b) One 30-ft. driveway entrance at 123 S. Church Street.

SUPPLEMENTARY CONTRACT AUTHORIZED WITH J. A. JONES CONSTRUCTION COMPANY FOR ADDITIONAL WATER MAINS CONSTRUCTION IN FOREST HEIGHTS SUBDIVISION.

Councilman Dellinger moved approval of a Supplementary Contract, to contract dated September 30, 1955, with J. A. Jones Construction Company, for the construction of 6,820 feet of additional water mains and 5 fire hydrants in Forest Heights Subdivision, outside the city, at an estimated cost of \$21,400.00. The applicant to pay all costs and own the mains until the area is taken into the City. The motion was seconded by Councilman Brown, and unanimously carried.

QUARTERLY REPORT OF UNFIT HOUSING PROGRAM.

The City Manager submitted the following Unfit Housing Progress Report for the Quarter ending March 1956:

Number of Housing Units brought up to Standard	64
Number of Property Owners cited for Hearings	16
Number of Housing Units Condemned	13
Number of Bathing Facilities Installed	39
Number of Housing Units Demolished	48

Progress since the beginning of the Program in August of 1948:

Number of Housing Units Brought up to Standard to date	10,945
Number of Houses Demolished to date	1,591

TRANSFER OF CEMETERY LOTS.

Motion was made by Councilman Albea, seconded by Councilman Smith, and unanimously carried, authorizing the Mayor and City Clerk to execute deeds for the transfer of the following cemetery lots:

- (a) Deed with G. L. Milligan, for Grave #1, Lot 121, Section 3, Evergreen Cemetery, at \$40.00.
- (b) Deed with Mrs. Zella S. Faulker, for Graves #7 & #8, Lot 108, Section 3, Evergreen Cemetery, at \$80.00.
- (c) Deed with Mr. & Mrs. Herbert B. [redacted], Section 4-A, Evergreen Cemetery, at \$80.00.

NO LEGAL ACTION NECESSARY  
ALLEGED VIOLATION

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CITY ATTORNEY AUTHORIZED TO TAKE NECESSARY STEPS AGAINST A. G. BROWN TO PROTECT THE CITY'S INTEREST IN THE ALLEGED ZONING VIOLATION.

Mr. John D. Shaw, City Attorney, stated he has been advised by the Building Inspection Department that Mr. A. G. Brown is constructing two buildings in a residential zone in the perimeter area, which appear to constitute a non-conforming use of the area; also, he has connected to the City's water supply without authority to do so. That Mr. Brown obtained a building permit from the County on November 22, 1955 to construct one building to contain a store, filling station and garage apartment, at a cost of \$95,000.00. That Mr. Brown has started the construction of a second building next to the first one, since the perimeter zoning law became effective, and he has not secured a City building permit. That Mr. Bell of the Building Inspection Department advises the buildings do not conform to the Code, and if they were in Charlotte the omissions would have to be corrected.

Mr. Shaw notified Mr. Brown, who was present at the meeting, that the City water supply will probably be cut off; also, that it appears he is building a non-conforming use on his property, and if the City Council so states, he will be enjoined against further construction.

Mr. Brown stated it is alright to cut off the water supply. That he is constructing the buildings himself; that he secured a building permit in 1955 and both buildings were started, the cement was poured and a temporary roof put in place, before the perimeter zoning law went into effect. He stated he contends that the City has nothing to do with him outside the city limits whatsoever, and if he is elected to the State Legislature he will tear this perimeter zoning all to pieces.

Mayor Van Every stated the City Council intends to support the Planning and Zoning Commission.

After the Mayor had closed the discussion, Mr. Brown continued to discuss his intentions in the matter, and Mayor Van Every stated that unless he ceased speaking on the subject and remained quietly in his seat, he would ask that he be removed from the Council Chamber. Mr. Brown voluntarily left the room, and Mayor Van Every stated to the audience that he was quite embarrassed at what he was forced to do, and nothing of this nature had ever occurred before.

Councilman Dellinger moved that the City Attorney be instructed to take the necessary steps to bring about the proper perspective on the part of the city. The motion was seconded by Councilman Brown, and unanimously carried.

ADJOURNMENT.

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

  
Lillian R. Hoffman, City Clerk