

MINUTES OF A CALLED MEETING OF THE CITY COMMISSION  
OF THE CITY OF LUFKIN, TEXAS HELD JUNE 7, 1940

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The City Commission of the City of Lufkin, Texas convened in a special meeting in the Municipal building on June 7, 1940 with the following members present:

W. M. GLENN	MAYOR
W. D. WINSTON, JR.	COMMISSIONER WARD NO. 1.
R. E. MELVIN	COMMISSIONER WARD NO. 2.
G. E. BARRINGTON	COMMISSIONER WARD NO. 3.
J. E. JAY	COMMISSIONER WARD NO. 4.
J. W. LEWIS	CITY SECRETARY
C. L. STINE	CITY MANAGER
NED SHANDS, JR.	CITY ATTORNEY

and the following absent: NONE, constituting a quorum when the following business was had:

1. The purpose of the meeting was to hear the application for a permit to build a filling station on the corner of South First Street and Menefee Street and to hear any and all objections to such application. Present and interposing objections were C. L. DuPuy, A. E. Cudlipp, Mr. and Mrs. C. M. Russell, Mr. and Mrs. Mose Buck, Mrs. J. E. Campbell, Mr. E. W. Leach and several others, each being property owners adjoining or very near the proposed site of the filling station.
2. No one appeared in behalf of the application.
3. Mr. DuPuy stated that he had contracted with the Episcopal Church to sell the lot belonging to him adjacent to the proposed filling station site for the erection of a home for their pastor. He further stated that the church would refuse to buy the lot and not build the building if a filling station was erected and that the church anticipated spending between \$5,000 and \$7,000 on the building. He further stated that in view of the location of the proposed filling station site, the traffic hazards created by the filling station would be very great and that this together

with the noise and other considerations would cause property in that neighborhood to greatly depreciate in value.

4. Mr. and Mrs. Mose Buck stated that they had purchased just across Menefee Street from Mr. Russell and that they planned to build in the very near future a house which would cost in the neighborhood of \$6,000, but if the permit for the filling station were granted, they would not build a house. They pointed out that the erection of a filling station on this particular spot would create a very dangerous and hazardous traffic condition in view of the fact that Highway 35 comes in at that corner.

5. Mr. J. E. Campbell, who owns property across South First Street from the proposed filling station site stated that the proposed filling station was very objectional to him and to the persons who had purchased property from him with the idea of building residences. He stated that the addition which he had opened was built up upon his promise that no building establishments would be located on his property and that the erection of a filling station would greatly depreciate the value of his property owned in the neighborhood and that of all the property in that neighborhood.

6. Mrs. G. H. Atkinson appeared and objected to the filling station, stating that one of her tenants in her apartment house had called her and threatened to move if the station were erected.

7. Mr. A. E. Cudlipp appeared in behalf of the Episcopal Church and assured the Council they anticipated building a \$6,000 or \$7,000 home for their pastor but that the plans would be abandoned if the filling station were erected.

There being no further objections, and there being no evidence offered in behalf of the permit, Commissioner W. D. Winston, Jr., introduced the following resolution, seconded by Commissioner R. E. Melvin, passed by the following vote:

**YEAS:** W. M. GLENN, W. D. WINSTON, JR., R. E. MELVIN  
G. E. BARINGTON, J. E. JAY,

**NOYS:** NONE.

The resolution is as follows:

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS:

WHEREAS, an application has been made to the City of Lufkin for a permit to erect a filling station on the corner of South First Street and Menefee Street upon property owned by Mrs. Happy Daniels; and

WHEREAS, numerous objections by property owners in the neighborhood have been advanced; and

WHEREAS the City Commission of the City of Lufkin, Texas has heard all evidence in behalf of and against the granting of said permit and finds from said evidence that the granting of said permit would greatly depreciate in value the surrounding properties and that the erection of at least two proposed residences would not be made, and that a serious and hazardous traffic condition would be caused; and

WHEREAS, the City Commission further finds as a fact from the evidence that the safety, health, comfort, convenience, order and good government of the City would be adversely affected by the granting of said permit, and that the refusal would better serve the public as a whole than would the granting of said permit;

THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS that the application for a permit to construct a filling station at the corner of South First Street and Menefee Street in the City of Lufkin, Texas by, and the same is hereby refused.

PASSED AND APPROVED this the 7th day of June A.D. 1940.

  
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City Secretary, Lufkin, Texas.

  
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Mayor, City of Lufkin, Texas.

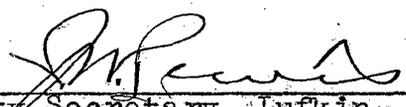
9. Ernest Medford appeared before the Council in behalf of Ike Turner and asked the Council to decide whether it was going to make any cash settlement and if so how much.

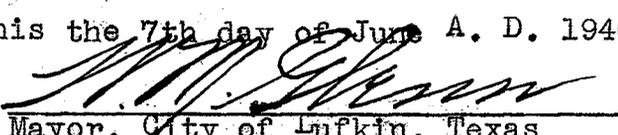
10. Upon motion of Commissioner R. E. Melvin, seconded by Commissioner J. E. Jay, the Council agreed by unanimous vote to pay Ike Turner \$25000 cash as a complete and final settlement for any injuries sustained by him on September 19, 1938, and that in view of the fact that Ike Turner had been paid his regular monthly salary all during his disability, that this salary be discontinued from and after the execution of the release.

11. In order to pay the \$2500 cash, Mr. Sine stated that it would be necessary to borrow the money from the Lufkin National Bank, and upon motion of Commissioner W. D. Winston, Jr., seconded by Commissioner J. E. Jay, the following resolution authorizing the Mayor to borrow the money was passed by a unanimous vote:

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS: AT A SPECIAL MEETING HELD ON THIS THE 7th DAY OF JUNE A. D. 1940 with all the members of the Commission present and voting; that W. M. GLENN as Mayor of the City of Lufkin, Texas be, and he is hereby authorized to borrow from the Lufkin National Bank the sum of \$2500, and to execute on behalf of the City of Lufkin, Texas its promissory note in the sum of \$2500 with interest at the rate of 4% per annum, said note to be payable at the rate of \$200.00 per month, with interest to be payable monthly as it accrues.

PASSED AND APPROVED this the 7th day of June A. D. 1940.

  
 City Secretary, Lufkin, Texas

  
 Mayor, City of Lufkin, Texas

12. Mr. C. F. Woods appeared again before the Council with reference to the reimbursement by the City of the extra costs incurred by him in connecting with the sewer.

13. Upon Motion of Commissioner J. E. Jay and seconded by Commissioner W. D. Winston, Jr., the Council decided to refuse the request of Mr. Woods. This action was taken by a unanimous vote.

14. The Bills and accounts for the month of May were read, approved and ordered paid, but the Secretary was instructed to examine the accounts and whenever any creditor of the City owed delinquent taxes that some arrangements be made whereby the payment of the account owed by the City would be credited to the delinquent tax account.

15. Commissioner W. D. Winston, Jr. introduced an ordinance and moved that it be place upon ~~second~~ reading, seconded by Commissioner G. E. Barington. The motion prevailed by the following vote:

**YEA:** W. M. GLENN, W. D. WINSTON, JR., R. E. MELVIN,  
 G. E. BARINGTON, J. E. JAY,

**NAY:** NONE.

The motion prevailed and the ordinance was placed upon second reading. Commissioner J. E. Jay moved that the ordinance pass second reading, seconded by Commissioner R. E. Melvin and passed by the following vote:

**YEA:** W.M. GLENN, W. D. WINSTON, JR., R. E. MELVIN,  
 G. E. BARINGTON, J. E. JAY,

**NAY:** NONE.

16. The Mayor then declared the ordinance passed on second reading. The ordinance is as follows:  
 (SEE ORDINANCE IN ORDINANCE BOOK)

Commissioner J. E. Jay introduced a motion, that the ordinance granting a franchise to the Lufkin Transit Company be placed upon second reading, seconded by Commissioner R. E. Melvin and carried by the following vote:

~~YES~~: W. M. GLENN, W. D. WINSTON, JR., R. E. MELVIN,  
G. E. BARINGTON, J. E. JAY

~~NOES~~: NONE.

Commissioner W. D. Winston, Jr. introduced a motion seconded by Commissioner G. E. Barington that the ordinance pass second reading, carried by the following vote:

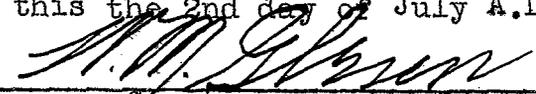
~~YES~~: W. M. GLENN, W. D. WINSTON, JR., R. E. MELVIN,  
G. E. BARINGTON, J. E. JAY,

~~NOES~~: NOES.

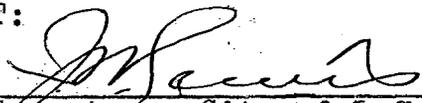
17. The Mayor then declared the ordinance passed on second reading, said ordinance being found elsewhere in these minutes.

18 There being no further business to come before the meeting, it was, upon motion duly made and carried, adjourned.

PASSED AND APPROVED this the 2nd day of July A.D. 1940.

  
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Mayor, City of Lufkin, Texas.

ATTEST:

  
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City Secretary, City of Lufkin, Texas