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A regular meeting of the City Council was held in the Council Chamber, City Hall, at 4 p.m., on Tuesday, August 27, 1946, with Mayor Baxter presiding, and Councilmen Childs, Johnston, McIntyre, Newson, Puette and White present.

Absent: Councilman Hinson.

INVOCATION.

The invocation was given by Councilman Newson.

PETITIONS FILED FOR MODIFICATION OF SETBACK ORDINANCE BY WACHOVIA BANK AND TRUST COMPANY AND THE BARRINGER HOTEL COMPANY.

Mr. Carol Taliaferro, Attorney, filed a petition from the Wachovia Bank and Trust Company request that the setback ordinance be modified to permit the erection of an addition to said banking house flush with the property line on West Fourth Street.

Mr. Taliaferro also filed for Mr. Frank McCleneghan, Attorney, who was absent from the city, a similar petition on behalf of The Barringer Hotel Company to vary and modify the setback ordinance to permit the erection of an addition to The Barringer Hotel in the rear thereof flush with the property line on East Eighth Street.

Mayor Baxter advised a hearing will be held on the two Petitions on September 10, 1946.

SALE OF PROPERTY AT 111-17 NORTH POPLAR STREET CONFIRMED TO ED. L. REAMES.

Requests were again presented by Veterans that the property at 111-17 North Poplar Street be retained for the erection thereon of a Veterans Recreational Center, or if the sale was confirmed that the entire proceeds from the sale, amounting to \$52,500.00, be allocated for the purchase of another site for a Veterans Recreational Center.

Following the discussion, Mayor Baxter asked for a report of the Council Committee to investigate and recommend in the matter.

Councilman Newson reported that the Committee unanimously recommended that the property be sold to the high bidder, Ed. L. Reames. He moved that the sale be confirmed as recommended. Motion seconded by Councilman Johnston, and carried, with the following vote recorded:

AYE: Councilmen Johnston, McIntyre, Newson and Puette.

NAY: Councilmen Childs and White.

Councilmen White and Childs stated they believed it was the consensus of opinion of the Council to use the proceeds from the sale of the property for the purchase of another site for a Veterans Center, and expressed the hope that the veterans would work with the Council in locating a desirable location.

Councilman Newson moved that the matter be referred to a Committee of Veterans and Councilmen to continue negotiating for a suitable site. Motion seconded by Councilman White and unanimously carried.

Mayor Baxter then appointed the following Committee:

For the Council: Councilmen White, Childs and Hinson.

For the Veterans: Messrs. Oliver Litaker, Don McSwain, Allen Hayes, Joe Grier, Spencer Bell, Ed Stukes, Hal Tribble, Geo. Hunter and Gene Johnson.

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CLEAN-UP OF SCHWARTZ JUNK YARD REFERRED BACK TO HEALTH DEPARTMENT.

A report from the Health Department was presented concerning the Schwartz Junk Yard on South Cedar Street, about which a petition was filed on August 20th. The report stated the property had been investigated and found to be in an insanitary and unsightly condition and an immediate cleanup had been instigated by the Health Department and the company.

The matter was referred back to the Health Department with instructions that the clean-up of the premises be continued and a check kept on the condition of the premises and if cause for further complaint was found that the matter be brought back to the Council by the Health Department officials.

RESOLUTION REGARDING PAVING CUMBERLAND AVENUE TO CONNECT FREEDOM PARK WITH PRESENT PAVING, ADOPTED ON FINAL READING.

Upon motion of Councilman White, seconded by Councilman Puette, the following resolution was unanimously adopted upon its second and final reading:

RESOLUTION REGARDING PAVING CUMBERLAND
AVENUE TO CONNECT FREEDOM PARK WITH THE
PRESENT PAVING THEREON.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

THAT WHEREAS, Freedom Park is a public park within the City of Charlotte and designed to add greatly to the recreation facilities of the City, and

WHEREAS, it is in the public interest that Cumberland Avenue be improved by putting culverts in the creek that crosses the same, grading said avenue, providing for proper drainage facilities and paving said Cumberland Avenue from the end of the pavement thereon near Clayton Drive to Freedom Park across the intersection of Cumberland Avenue with Lilac Road, as shown upon the report of Lloyd Ross, City Engineer, with respect thereto.

NOW, THEREFORE, BE IT RESOLVED that such improvements be made in accordance with said report of the City Engineer at a cost of not exceeding \$10,838.32, which said sum shall be paid by the City of Charlotte and none of the cost of which shall be assessed against adjacent property owners, and

BE IT FURTHER RESOLVED that there be appropriated \$10,838.32 from the Street Bond funds to pay for the same.

FAIRMONT STREET PROPERTY AUTHORIZED PURCHASED FOR ADDITION TO VEST STATION.

Councilman Newson reported that the Appraisal Committee had inspected the property adjacent to the Filter Plant and recommended that it be acquired for the expansion of said Plant.

Councilman Newson moved that Mr. Ledbetter, Acting City manager, be instructed to purchase the two pieces of property, same being 1000-08 Fairmont Street, lot 140 feet x 100 feet, at a price not to exceed the appraised value of \$8000.00 and 1012 Fairmont Street, lot 60 feet x 100 feet, at a price not to exceed the appraised value of \$9000.00. Motion seconded by Councilman Puette, and unanimously carried.

ENCROACHMENT CONTRACT WITH STATE HIGHWAY COMMISSION FOR WATER MAIN IN EASTWAY DRIVE.

Councilman Childs moved that the Mayor and City Clerk be authorized to execute a contract with the State Highway Commission for encroachment over their right-of-way in Eastway Drive, north of Commonwealth Avenue, for the construction of a 2-inch water main. Motion seconded by Councilman White, and unanimously carried.

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ENCROACHMENT CONTRACT WITH STATE HIGHWAY COMMISSION FOR WATER MAIN IN RICHLAND DRIVE.

Councilman Puette moved that the Mayor and City Clerk be authorized to execute a contract with the State Highway Commission for the encroachment over their right-of-way in Richland Drive for the construction of a 3-inch water main, beginning at the end of the two existing 2-inch mains and running south in Richland Drive to Craig Avenue. Motion seconded by Councilman Childs, and unanimously carried.

RESOLUTION AUTHORIZING SALE OF PROPERTY AT 2617-21 NORTH TRYON STREET TO MRS. BETTY H. MARSH.

Upon motion of Councilman McIntyre, seconded by Councilman Newson, the following resolution was unanimously adopted:

RESOLUTION AUTHORIZING SALE OF PROPERTY
AT 2617-21 NORTH TRYON STREET TO MRS.
BETTY H. MARSH.

RESOLVED, pursuant to the provisions of Section 61 of the Charter of the City of Charlotte, that the Mayor and City Clerk of the City of Charlotte be, and they hereby are, authorized and directed to execute in the name of said City a deed of bargain and sale conveying to Mrs. Betty H. Marsh the property at 2617-21 North Tryon Street in the City of Charlotte which was foreclosed in Tax Suit No. 434 against Lex Marsh, Jr., and wife, Betty H. Marsh, et al. and conveyed to said City by deed dated October 26, 1945, and recorded in Book 1173, page 104, of the Registry for Mecklenburg County, upon the payment by her of the price of \$1,209.37 which represents the City's full investment in said property and interest thereon to September 1, 1946, on account of special assessment, city and county taxes and foreclosure costs, said deed to be executed and delivered and said purchase price to be paid on or before September 1, 1946.

CONTRACT WITH ALDERSON REPORTING COMPANY FOR TRANSCRIPT OF PROCEEDINGS BEFORE CIVIL AERONAUTICS BOARD, MATTER OF BOSTON-NEW YORK CASE.

Councilman Newson moved that the Mayor and City Clerk be authorized to execute a contract with Alderson Reporting Company for payment of stenographic transcript of proceedings in the matter of the Boston-New York case before the U. S. Civil Aeronautics Board, June 10th to July 10th, 1946, said transcript having been obtained by Mr. Robert Lassister, Special Attorney for the City and charge for same approved by the Chairman of the Aviation Committee. Motion seconded by Councilman Johnston, and unanimously carried.

COMMITTEE APPOINTED TO ASSIST IN PREPARATION OF ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR OPERATION OF NEW CEMETERY.

Mr. Ledbetter, Acting City Manager requested that a Committee be appointed to assist the City Attorney and City Manager in the preparation of an ordinance establishing rules and regulations for the operation of the new cemetery on Albemarle Road.

Mayor Baxter appointed Councilmen Childs and White as the Committee.

FUNDS APPROPRIATED FOR NECESSARY EXPENSES TO CONVENTION OF NORTH CAROLINA LEAGUE OF MUNICIPALITIES.

Motion was made by Councilman McIntyre that funds be appropriated to pay the necessary expenses of the Mayor and Council in attending the North Carolina League of Municipalities Convention in Asheville on September 12-14, 1946. Motion seconded by Councilman Childs, and unanimously carried.

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CONTRACTS AND PURCHASES AUTHORIZED.

Councilman McIntyre moved that the following contracts and purchases be authorized; that payment of \$624.00 for asphalt tile for use at the Airport be made from the Airport Appropriation, and funds be appropriated for the other items if necessary. Motion seconded by Councilman Puette, and unanimously carried:

- (a) Contract with Edwin C. Boyette, Jr., to furnish and install 1600 square feet of asphalt tile at the Municipal Airport, in the sum of \$624.00.
- (b) Purchase of One 3 x 4 foot frame and cover, 7 No. 1 Valve Box Bottoms, and 14 meter boxes from Queen City Foundry, in the sum of \$109.85, for the Water Department.
- (c) Contract with Tucker-Kirby Company for 99 feet of 12-inch and 660 feet of 8-inch terra-cotta pipe for The Engineering Department, in the sum of \$293.37.
- (d) Purchase of One 36-inch Power Mower from E. J. Smith Company in the sum of \$167.93, for use at Pinewood Cemetery.
- (e) Purchase of 7500 Grade A hard common brick from Kendrick Brick & Tile Company, Inc., in the sum of \$191.25, for the Engineering Department.

HOLIDAY GRANTED CITY EMPLOYEES ON SEPTEMBER 2nd, FOR LABOR DAY.

Councilman White moved that the City Employees be granted a holiday on Monday, September 2, 1946, in observance of Labor Day. Motion seconded by Councilman Puette, and unanimously carried.

UNANIMOUS CONSENT GIVEN FOR PRESENTATION OF ITEMS NOT ON DOCKET.

Upon motion of Councilman Childs, seconded by Councilman Puette, the unanimous consent of Council was given for the presentation of the following items not included in the Docket.

APPOINTMENT OF W. E. VEST AS ACTING SUPERINTENDENT OF WATER DEPARTMENT.

Mr. Ledbetter, Acting City Manager, reported that he had appointed Mr. W. E. Vest as Acting Superintendent of the Water Department until further notice, due to the absence of Mr. J. L. Greenlee, Superintendent, who is ill.

RESOLUTION APPROVING SETTLEMENT OF CITY OF CHARLOTTE v. JACK D. STROUPE AND WIFE AND MECKLENBURG COUNTY - TAX SUIT NO. 664.

Upon motion of Councilman Childs, seconded by Councilman McIntyre, the following resolution was unanimously adopted, upon the recommendation of the City Attorney:

RESOLUTION APPROVING SETTLEMENT OF
CITY OF CHARLOTTE v. JACK D. STROUPE
AND WIFE, FRANCES L. STROUPE, and
MECKLENBURG COUNTY - TAX SUIT #664.

WHEREAS, the City of Charlotte instituted tax suit No. 664 entitled "City of Charlotte vs. Jack D. Stroupe, Jr., and wife, Frances L. Stroupe, and Mecklenburg County" in 1945, involving Assessment No. 22215, covering street paving at No. 601 West Eighth Street, to which the defendants filed answer in said suit which was pending and at issue in the Superior Court of Mecklenburg County, and

WHEREAS, the City Attorney of the City of Charlotte has recommended, due to the doubtful validity of said street paving assessment, that the

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same be settled for 30% of the amount of principal of said street assessment, ~~with interest to maturity only,~~ but plus court costs, or for \$61.44.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte that the street paving assessment involved in said suit, as provided by Section 32(39) of the City Charter of the City of Charlotte, be settled upon the payment of \$61.44, on account of principal of said street paving assessment, with interest to maturity, together with the costs of the action.

PRICES ORDERED OBTAINED ON NEW DRAG LINE AND BUCKET FOR GARBAGE DISPOSAL BY LAND FILL.

The City Manager was instructed to obtain prices on a new Drag Line and Bucket for use in the Disposal of Garbage by Land Fill, as recommended by Councilman Johnston.

RENTAL ON HOSPITAL AREA AT AIRPORT (MORRIS FIELD).

Councilman Newson recommended that the matter of rental on the hospital area at the airport (Morris Field) be discussed with all groups concerned and brought to a conclusion. Mayor Baxter stated the matter had been referred to him by Mr. Flack, former City Manager, and he would give it his immediate attention.

METHOD OF GARBAGE COLLECTION FROM RESIDENCES HELD IN ABEYANCE.

Attention was called by the Mayor to a letter from Mr. Donald R. Elam, 1204 Plaza, relative to a garbage truck striking his son while collecting garbage on his premises. Decision was reached to hold in abeyance, until the arrival of the new City Manager, consideration of changing the prevailing practice of trucks entering onto private property to collect garbage.

COMMITTEE APPOINTED TO RECOMMEND POLICY PROVIDING FOR EXTENDED SICK LEAVE OF EMPLOYEES.

Councilman Puette and Hinson were appointed by the Mayor to recommend a policy to provide for extended sick leave of city employees.

COMMITTEE APPOINTED TO SURVEY AND ESTIMATE VALUE OF POWER FACILITIES AT AIRPORT (MORRIS FIELD).

Mayor Baxter appointed Councilmen McIntyre and Mr. Ledbetter, Acting City Manager, to make a survey of the power facilities at the airport (Morris Field) and give an estimate of its value.

CEMETERY DEEDS.

Upon motion of Councilman Childs, seconded by Councilman Johnston, the Mayor and City Clerk were authorized to execute a duplicate deed to the Heirs of Simpson Henry for the southeast quarter of Lot 19, Section H, in Pinewood Cemetery, the cost of which is \$1.00.

ADJOURNMENT.

Upon motion of Councilman Johnston, seconded by Councilman McIntyre, the meeting was adjourned.

William R. Hayman
City Clerk