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A regular meeting of the City Council was held in the Council Chamber, City Hall, on Tuesday, January 14, 1947, with Mayor Baxter presiding and Councilmen Childs, Hinson, Johnston, McIntyre, Newson and White present.

Absent: Councilman Puette.

INVOCATION.

The invocation was given by Councilman J. S. Hinson.

MINUTES APPROVED.

Upon motion of Councilman Hinson, seconded by Councilman Johnston, the minutes of the last meeting were approved as read.

PETITION PROTESTING ERECTION OF APARTMENT BUILDING AT PROVIDENCE ROAD AND CHEROKEE ROAD.

Dr. Robert Miller filed a petition signed by twenty-five residents of Providence Road and vicinity, protesting the erection of an apartment house by Marsh Realty Company at the corner of Providence Road and Cherokee Road.

Mayor Baxter advised Dr. Miller that the petition would receive the careful consideration of the Council.

ADOPTION OF A ZONING ORDINANCE.

Councilman Newson moved the reading and passage of an ordinance entitled A ZONING ORDINANCE FOR THE CITY OF CHARLOTTE. Motion seconded by Councilman White, and unanimously carried.

The ordinance was presented and read. The motion for passage carried, with the following votes cast:

AYE: Councilmen Johnston, McIntyre, Newson and White.

NAY: Councilmen Childs and Hinson.

The ordinance is recorded in full in Ordinance Book 9, beginning at Page 417.

REQUEST BY MR. JACK STROUP TO ERECT APARTMENT HOUSE ON NON-CONFORMING LOT UNDER ZONING ORDINANCE REFERRED TO BOARD OF ADJUSTMENT.

Mr. Jack Stroup stated he had taken out a city permit to erect a 12-family apartment house at 2245 Crescent Avenue and the size of the lot does not conform to the requirement in the newly adopted Zoning Ordinance. He asked if he would be permitted to continue with the construction of the building. Mayor Baxter inquired if the plans had been drawn for the building, to which Mr. Stroup replied they were being drawn. Mayor Baxter then asked if Mr. Stroup had in fact not taken out the permit for the building to evade the zoning requirement if and when it was adopted, to which Mr. Stroup replied, "Yes, I did". Mayor Baxter then stated that it was a matter for the Board of Adjustment to settle.

SCHEDULE OF FEES FOR GRAVE OPENINGS AND DISINTERMENTS FOR ALL CITY CEMETERIES.

Motion was made by Councilman Johnston, seconded by Councilman Newson and unanimously carried, adopting the schedule of fees for grave openings and disinterments at all city owned cemeteries, effective January 15, 1947, as established by the City Manager and filed with the City Clerk.

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CONSTRUCTION OF SANITARY SEWER IN HOLT STREET.

Motion was made by Councilman Newson, seconded by Councilman Hinson, and unanimously carried, authorizing the construction of a sanitary sewer in Holt Street, between Matheson Avenue and 34th Street, estimated to cost \$522.50, to serve three houses under construction by Mr. Ernest Foard.

CONSTRUCTION OF SANITARY SEWER IN MATHESON AVENUE AND HUDSON STREET.

Upon motion of Councilman McIntyre, seconded by Councilman Childs, and unanimously carried, the construction of a sanitary sewer was authorized in Matheson Avenue and Hudson Street, estimated to cost \$1,622.78, to serve six houses being constructed by Mr. Ernest Foard.

REFUND OF DEPOSIT FOR SEWER CONSTRUCTION TO R. J. FLYNN.

Upon motion of Councilman Johnston, seconded by Councilman Hinson, and unanimously carried, refund of deposit in the amount of \$291.70 was authorized to R. J. Flynn, 1726 Central Avenue, same having been posted for construction of a sanitary sewer in Central Avenue, under agreement dated December 20, 1945.

CANCELLATION OF AGREEMENT WITH STATE HIGHWAY COMMISSION FOR ENCROACHMENT IN PINEVILLE ROAD AND AUTHORIZATION OF NEW AGREEMENT.

Councilman McIntyre moved that the Agreement authorized with the State Highway Commission on December 5, 1946, for encroachment under Pineville Road for the installation of a 6 inch water main be cancelled, and a new agreement authorized for the construction of an 8 inch main. Motion seconded by Councilman Johnston, and unanimously carried.

REMOVAL OF TREE AT 112 WEST PARK AVENUE.

Motion was made by Councilman White that Mrs. W. P. Beam be allowed to remove a tree from the planting strip at her residence, 112 West Park Avenue, as requested. Motion seconded by Councilman McIntyre, and unanimously carried.

FIRE INSURANCE ON AIRPORT BUILDINGS.

Upon motion of Councilman White, seconded by Councilman Newson, and unanimously carried, payment for fire insurance and extended coverage on buildings at Douglas Municipal Airport to November 20, 1949 was authorized to Charlotte Insurance Exchange in the amount of \$30,011.50 and to Chas. H. Litaker, Inc., in the amount of \$8,132.76, totaling \$38,144.26, and of this amount \$12,239.92 to be charged to the Airport Budget and \$25,904.34 to be advanced from the General Fund and applied to budgets in the following two years.

RESOLUTION TO PROVIDE FOR RENEWAL OF \$50,000 SIDEWALK BOND ANTICIPATION NOTE.

Councilman Childs introduced the following resolution which was read:

RESOLUTION PROVIDING FOR THE ISSUANCE
OF A \$50,000 SIDEWALK BOND ANTICIPATION
NOTE.

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

Section 1. That the City Council has determined and does hereby find and declare:

(a) That an ordinance authorizing \$50,000 Sidewalk Bonds was passed on September 18, 1945.

(b) That in order to anticipate the receipt of the proceeds of said bonds there was issued:

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- (i) A \$50,000 Sidewalk Bond Anticipation Note, dated November 1, 1945, maturing on November 1, 1946, and bearing interest at the rate of $1/2$ of 1% per annum, which note was delivered on November 9, 1945; and
- (ii) for the particular purpose of paying said Sidewalk Bond Anticipation Note, a \$50,000 Sidewalk Bond Anticipation Note, dated November 1, 1946, maturing on February 1, 1947, and bearing interest at the rate of $3/8$ ths of 1% per annum.

Section 2. That in order to anticipate the receipt of the proceeds of said bonds and for the particular purpose of paying the Sidewalk Bond Anticipation Note maturing on February 1, 1947 at its maturity, the issuance of a \$50,000 Sidewalk Bond Anticipation Note is hereby authorized, to be dated February 1, 1947, to mature August 1, 1947, without option of prior payment, to be numbered 1, and to bear interest at the rate of $3/8$ th of 1% per annum, payable at the maturity of the note to which no interest coupons shall be attached. Both the principal and the interest on said note shall be payable at The Union National Bank of Charlotte, Charlotte, North Carolina.

Section 3. That said note shall be signed by the Mayor and the City Clerk, under the corporate seal of the City, and shall have endorsed thereon the written approval of the City Attorney.

Section 4. That the form of said note and the endorsement to be placed upon the reverse thereof shall be in substantially the following form:

No. 1	UNITED STATES OF AMERICA STATE OF NORTH CAROLINA COUNTY OF MECKLENBURG CITY OF CHARLOTTE <u>Sidewalk Bond Anticipation Note</u>	\$50,000
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The City of Charlotte, in Mecklenburg County, North Carolina, is justly indebted and for value received hereby promises to pay to the bearer on August 1, 1947, the principal sum of

FIFTY THOUSAND DOLLARS

together with interest thereon at the rate of $3/8$ th of 1% per annum, payable upon presentation and surrender of this note at its maturity. Both the principal and the interest on this note are payable at The Union National Bank of Charlotte, in the City of Charlotte, North Carolina. For the prompt payment hereof, both principal and interest as the same shall fall due, the full faith and credit of said City of Charlotte are hereby irrevocably pledged.

This note is given for money borrowed in the amount of the face of this note in anticipation of the receipt of the proceeds of a like amount of Sidewalk Bonds duly authorized by an ordinance passed by the City Council of the City of Charlotte on September 18, 1945 which has taken effect, and this note is issued pursuant to and in full compliance with The Municipal Finance Act, 1921, as amended, and the Local Government Act, as amended, and a resolution duly passed by the City Council of said City.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of North Carolina to happen, exist and be performed precedent to and in the issuance of this note, have happened, exist and have been performed in regular and due form and time as so required, and that the total indebtedness of said City, including the

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indebtedness evidenced by this note, does not exceed any constitutional or statutory limitations thereon.

IN WITNESS WHEREOF, said City of Charlotte has caused this note to be signed by its Mayor and its City Clerk, under the corporate seal of the City, all as of the first day of February, 1947.

Mayor

City Clerk

The issuance of this note is hereby approved.

City Attorney

(TO BE ENDORSED UPON REVERSE OF NOTE)

The issuance of the within note has been approved under the provisions of the Local Government Act of North Carolina.

W. E. Easterling, Secretary
LOCAL GOVERNMENT COMMISSION

By _____
Designated Assistant

Section 5. That the Local Government Commission of North Carolina be requested to exchange, through the State Treasurer, the \$50,000 Sidewalk Bond Anticipation Note herein authorized, for the \$50,000 Sidewalk Bond Anticipation Note of the City of Charlotte dated November 1, 1946, maturing on February 1, 1947, numbered 1, bearing interest at the rate of $\frac{3}{8}$ th of 1% per annum, and payable at The Union National Bank of Charlotte, Charlotte, North Carolina.

Section 6. That the application to the Local Government Commission by the City Treasurer is hereby ratified for its approval of the Sidewalk Bond Anticipation Note herein authorized and for the exchange thereof for the indebtedness to be funded as hereinabove set forth, with the consent of the holder of such indebtedness.

Upon motion of Councilman McIntyre, seconded by Councilman Hinson, and unanimously carried, the foregoing resolution entitled "Resolution providing for the issuance of a \$50,000 Sidewalk Bond Anticipation Note" was read and passed. The votes cast were as follows:

Yeas: Councilmen Childs, Hinson, Johnston, McIntyre, Newson, and White.

Nays: None.

ANNUAL REPORTS OF CITY ATTORNEY AND ASSISTANT COLLECTOR OF REVENUE FILED.

The City Manager advised that the annual reports for the year 1946 have been filed with the City Clerk by Mr. John D. Shaw, City Attorney, and Mr. J. H. McLean, Assistant Collector of Revenue, as required by ordinance adopted on January 10, 1945.

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CONTRACTS AND PURCHASES.

Upon motion of Councilman Hinson, seconded by Councilman Newson, the following contracts and purchases and the allocation of funds therefor, if necessary, were unanimously authorized:

- (a) Purchase of One Cryoscope from Eimer & Amend, at a price of \$130.00 for use by the Health Department.
- (b) Purchase of 50,000 sets of Citation Forms printed, from the News Printing House, at a price of \$142.10.
- (c) Contract with A. F. Dancy Company for One Adding Machine, at a price of \$247.50, for use by the Health Department, Sanitation Division.
- (d) Purchase of 60,000 one cent Postal Cards, at a cost of \$600.00 from the Charlotte Post Office, for use by the Water Department.
- (e) Contract with Eureka Fire Hose Division of U. S. Rubber Company, for Twenty 50-foot cotton fire hose with rocker-lug couplings, at a net delivered price of \$660.00.

SPECIAL OFFICER PERMITS.

Upon motion of Councilman McIntyre, seconded by Councilman Hinson, and unanimously carried, authorization was given for the issuance of a Special Officer permit to L. G. Coltharp on the premises of Rulane Tank Company, 2317 Thrift Road, and the renewal of permit to W. M. Fowler on the premises of Highland Park Manufacturing Company.

RESOLUTION WITHDRAWING FRANKLIN STREET FROM PUBLIC AND/OR PRIVATE USE.

Upon motion of Councilman White, seconded by Councilman Newson, the following resolution, which was not included in the Docket, was presented with the unanimous consent of Council:

RESOLUTION WITHDRAWING FRANKLIN STREET
FROM PUBLIC AND/OR PRIVATE USE.

WHEREAS, L. E. Young and wife, Bertha G. Young, are the owners of certain property as shown on map of Pegram Wadsworth Land Company, dated May 21, 1907 and recorded in the Mecklenburg County Registry in Map Book 230, page 1, said owners having purchased from said Company Blocks Nos. 20 and 33 as shown on said Map; AND WHEREAS, there is shown on said map "Franklin" Street, a street of only one block in length between Blocks Nos. 20 and 33, running between Yadkin (formerly Selwyn) and Pinkney Avenues, and that the said Franklin Street has never been actually opened and used as such either by the people of those owning lands shown upon the said map or plat within twenty years from the original date of said map;

AND WHEREAS, It is desirable that the said Franklin Street be abandoned, closed and withdrawn from the public use;

AND WHEREAS, The Opening and use of the said Franklin Street as hereinafter set forth is not necessary for the public interest and it should be abandoned and relinquished;

NOW, THEREFORE, BE IT RESOLVED: That the withdrawal from the dedication of the said Franklin Street is hereby agreed to and that the opening and use of the said street as shown on said map is not necessary for the public interest, and further, that the City Council does hereby agree to its said abandonment and relinquishment.

NOW, THEREFORE, BE IT FURTHER RESOLVED: That there is hereby

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withdrawn from public or private use the said Franklin Street as shown on Map of Pegram Wadsworth Land Company, recorded in Book 230, page 1 of said Mecklenburg County, N. C. Registry.

Councilman McIntyre moved the adoption of the foregoing resolution. Motion seconded by Councilman Johnston, and unanimously carried.

CEMETERY DEEDS.

Councilman McIntyre moved that the Mayor and City Clerk be authorized to execute deeds for sale of lot, and perpetual care on lots, in Elmwood Cemetery. Motion seconded by Councilman Johnston, and unanimously carried:

To - Mrs. Mary C. Youngblood, Lot 75, Sextion L-Annex, at \$180.00 and Perpetual Care thereon, at \$100.00

To - Mrs. Mina K. Hunt, Perpetual Care on Southwest Quarter of Lot 47, in Section R, at \$36.00.

ADJOURNMENT.

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

Lillian R. Haffner
City Clerk