

July 28, 1943
Page 345

The City Council met at 4 o'clock P. M. Wednesday, July 28, 1943, in the Council Chamber, City Hall, in regular session, with Mayor Baxter presiding and the following members of the Council present: Councilmen Albea, Atkins, Baker, Bullard, Cope, Hovis, Painter, Price and Ward.

Absent: Councilmen Daughtry and Slye.

On motion of Councilman Albea, seconded by Councilman Painter, and carried, the Minutes of the previous meeting were approved as read.

APPRECIATION OF CITY FIREMEN FOR SALARY INCREASE.

Capt. B. C. Gibson, City Fireman, expressed the appreciation of the City Firemen as a group for the increase in their salaries.

APPROVAL OF STREET DANCE, SPONSORED BY AMERICAN LEGION POST NO. 9.

The City Manager read a letter from Mr. G. W. Dooley, Past Commandar, American Legion Post No. 9, requesting permission to have a street dance, on the night of August 21st, on West 3rd Street, between S. Tryon Street and S. Church Street. On motion of Councilman Albea, seconded by Councilman Hovis, and unanimously carried, same was granted.

APPROPRIATION FROM EMERGENCY FUND FOR PAYMENT TO FRANK KENNEDY FOR CODIFICATION OF THE CITY'S ORDINANCES, AND OTHER SERVICES.

On motion of Councilman Baker, seconded by Councilman Price, and carried, an appropriation of \$1,500.00 was authorized from the Emergency Fund for payment to Mr. Frank Kennedy, for the codification of the City's ordinances and other services in connection therewith, as per contract with Mr. Kennedy dated July 14, 1943.

APPROPRIATION FROM EMERGENCY FUND TO COVER VACATION PERIOD OF MR. R. B. HOOD.

On motion of Councilman Albea, seconded by Councilman Hovis, and carried, an appropriation of \$19.16 was made from the Emergency Fund to supplement budgeted funds for the month of July to cover vacation period extending into August of Mr. R. B. Hood, Delinquent Tax Collector, whose services have been dispensed with.

APPROPRIATION FROM EMERGENCY FUND TO COVER VACATION PERIOD OF MR. T. F. MAGUIRE.

On motion of Councilman Hovis, seconded by Councilman Ward, and carried, an appropriation of \$27.00 was made from the Emergency Fund to supplement budgeted funds for the month of July to cover vacation period extending into August of Mr. T. F. Maguire, Smoke Abatement Engineer, whose services have been dispensed with.

APPROPRIATION FROM EMERGENCY FUND TO T. F. MAGUIRE FOR STENOGRAPHIC WORK.

On motion of Councilman Albea, seconded by Councilman Hovis, and carried, an appropriation of \$77.75 was made from the Emergency Fund to re-imburse Mr. T. F. Maguire, Smoke Abatement Engineer, for stenographic services in connection with his work.

CANCELLATION OF LEASE-AGREEMENT WITH SOUTHERN RAILWAY.

On motion of Councilman Hovis, seconded by Councilman Albea, and carried, the Mayor and Clerk were authorized to sign agreements cancelling Leases with the Southern Railway Company, entered into in December 1940, covering (1) parcel of right-of-way for a warehouse and (2) for a section laborer's house, at Juneau Station, for use by the Charlotte Municipal Airport, which are no longer needed.

July 28, 1943
Page 346.

PURCHASE OF FOUR MOTORCYCLES.

On motion of Councilman Ward, seconded by Councilman Albea, and carried, authorization was given for contract with Creech Motorcycle Company of Charkotte, for four motorcycles for use by the Police Department, at a net delivered price of \$2,050.40.

PURCHASE OF FLAGS.

On motion of Councilman Price, seconded by Councilman Painter, and carried, authority was given for the purchase of thirty allied flags from Robert E. Smith & Son Decorating Company, Charlotte, at a net price of \$150.00, for use on the City Hall grounds.

CONTRACT AUTHORIZED WITH DUKE POWER COMPANY FOR DUST LAYING MATERIAL.

On motion of Councilman Baker, seconded by Councilman Albea, and carried, contract was authorized with the Duke Power Company for 16,000 gallons of dust laying material, at .06¢ per gallon, in the total amount of \$960.00.

CITY TREASURER FILES REPORT ON COLLATERAL DEPOSITED IN COMPLIANCE WITH TAXICAB ORDINANCE.

In accordance with the requirements of the Taxicab Ordinance, the City Treasurer filed a report of collateral deposited with him by the Beaty Service Company, Inc., which shows a total of \$22,500.00. Financial statements of institutions handling this collateral were also filed.

REPORT RECEIVED AS INFORMATION ON REQUEST OF MCCORKLE CLEANERS & DYERS.

The City Manager read a letter from the Superintendent of Water Works relative to the request of McCorkle Cleaners and Dyers to empty waste water into the city sewerage system. He requested that action be deferred until further investigation could be made. Mayor Baxter stated the letter read was received as information only, and action would be taken by the Council when a complete report was made by the Manager.

RESOLUTION IN REGARD TO APPROVING ASSIGNMENT FROM SOUTHEASTERN COMPRESS AND WAREHOUSE COMPANY TO GULF ATLANTIC WAREHOUSE COMPANY.

On motion of Councilman Baker, seconded by Councilman Ablea, and carried, the following resolution was unanimously adopted:

WHEREAS, under date of November 15, 1937, an Agreement was entered into between the City of Charlotte and Southeastern Compress and Warehouse Company for a water line easement across the property of the latter, upon certain conditions, as set out in said agreement; and

WHEREAS, Southeastern Compress and Warehouse Company has now transferred and assigned the property involved to the Gulf Atlantic Warehouse Company, and Gulf Atlantic Warehouse Company desires the consent and approval of the City of Charlotte to said transfer and assignment,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the City Clerk be, and they are hereby authorized and empowered to consent and approve said assignment from Southeastern Compress and Warehouse Company to Gulf Atlantic Warehouse Company, effective as of the close of business, June 30, 1943.

July 28, 1943
Page 347.

RESOLUTION REGARDING EXTENSION OF EAST STONEWALL STREET.

On motion of Councilman Baker, seconded by Councilman Painter, and carried, with Councilman Atkins voting against the motion, the following resolution was adopted on the second and final reading:

WHEREAS, the Park & Recreation Commission has purchased certain property adjacent to Pearl Street and has begun to develop plans for the establishment of a park upon said property and, whereas, there is no paved street running in any direction which will connect this park with any nearby paved street and it is, therefore, desirable and in the public interest that a street be constructed through a corner of the said park for the purpose of connecting the said park with the paved portion of East Stonewall St. on the one side and Baldwin Street, a paved street, on the other and, whereas, such a street is also desirable by reason of the fact that there is now no thoroughfare east and west between Morehead St. on the south and 4th Street on the north and, whereas, the Thompson Orphanage has donated to the City an easement over its property for use in connection with such a street, deed for same being recorded in the office of the Register of Deeds for Mecklenburg County in Book 1092, page 209, and, whereas, in order to connect the present eastern terminus of Stonewall St. with the easement described in the aforesaid deed a right of way will have to be acquired by purchase or condemnation over certain intervening property and a bridge will have to be constructed over Sugar Creek, and, whereas, a suit has been instituted in the Superior Court of Mecklenburg County entitled: John M. Dudley, et als, v. City of Charlotte and Charlotte Park & Recreation Commission, and a part of the relief sought therein is an injunction restraining the City from constructing the proposed street, it being alleged in the complaint filed in the said action that it is the intention of the City to do certain acts and things in connection with the proposed street and, whereas, in order properly to present to the court the exact question involved it is desirable for the Council to state its intention with regard to the proposed street to the end that the City Attorneys may state such intention to the court;

NOW, THEREFORE, BE IT RESOLVED that the following is the intention of the City with respect to the proposed street:

1. To acquire by purchase or condemnation an easement over the land which separates the present eastern terminus of Stonewall St. from the western terminus of the easement which was granted to the City by the Thompson Orphanage.
2. To connect the park above referred to with the eastern end of the pavement on Stonewall St. and with Baldwin St., a paved street, by constructing a street over the acquired right-of-way as follows: type of surfacing to be a top soil four inches thick, composed of pit-run gravel; street to be 22 feet wide between gutters; the curbs will be 30 feet apart; the roadway will be oiled to prevent dust and to hold the top soil in place under traffic; sidewalks will be top soil 5 feet wide on both sides of the street for pedestrians; necessary grading and storm drainage.
3. To pay out of the general funds of the City all cost of acquiring by purchase or condemnation, and also to pay from the general funds of the City the cost of constructing the street as above stated, it being the Council's understanding that it will be legal to do this (1) because the construction of the said street as above outlined will not constitute a permanent improvement under section 52 of the charter and (2) even if so, under said section of the charter as amended by Chapt. 666 of the Session Laws of 1943, such street, under the circumstances herein outlined, may legally be paid for by the City, and in that connection the Council hereby determines that the

July 28, 1943
Page 348.

acquisition of the said right-of-way and the construction of the said street as above outlined, in the public interest, is necessary in order to connect the said public park with the paved portion of Stonewall St. on the east and Baldwin St. (a paved street) on the west. If the court holds and rules that the acquisition of the said right-of-way and the construction of the said street as above specified are a permanent improvement under section 52 of the charter, the Council hereby determines to pay for the said right-of-way and the construction of the said street from the City's general funds in accordance with the charter amendment contained in Chapt. 666 of the Session Laws of 1943.

RESOLUTION TO INCREASE THE SALARY OF R. PAUL JAMISON, VICE RECORDER.

The following resolution was introduced by Councilman Baker:

RESOLVED that, effective from and after the 1st day of July, 1943, the salary of R. Paul Jamison, as Vice-Recorder, be increased from \$8.00 per diem to \$10.00 per diem for each and every day he serves the Court.

On motion of Councilman Baker, seconded by Councilman Cope, the foregoing resolution was unanimously adopted, and \$24.00 appropriated from the Emergency Fund to supplement budgeted funds for salary of the Vice-Recorder.

RESOLUTION TO INCREASE THE SALARY OF THE SUBSTITUTE SOLICITOR.

The following resolution was introduced by Councilman Baker:

RESOLVED that, effective from and after the 1st day of July, 1943, the salary of the Substitute Solicitor, be increased from \$6.00 per diem to \$8.00 per diem for each and every day he serves the Court.

On motion of Councilman Baker, seconded by Councilman Painter, the foregoing resolution was unanimously adopted, and \$24.00 appropriated from the Emergency Fund to supplement budgeted funds for salary of the Substitute Solicitor.

APPOINTMENT OF SPECIAL POLICE OFFICERS.

On motion of Councilman Hovis, seconded by Councilman Albea, and carried, a Special Officer permit was authorized issued to Turner A. Farrell for use on the premises of the following concerns:

Carlina Cafe	1226 West Morehead Street
Carolina Service Station No. 1	1223 West Morehead Street
Southern Radio Corp.	1201 West Morehead Street
Frauhauf Trailer Company	1310 West Morehead Street
Coca-Cola Bottling Company	1401 West Morehead Street
McClain Distributing Company	1213 West Morehead Street
Brown Equipment Company	829 South Summit Avenue

Cemetery Deeds Authorized.

On motion of Councilman Baker, seconded by Councilman Albea, the following cemetery deeds were authorized to be issued:

L. B. Abernethy & Family Lot 73-B, Section D, Elmwood Cemetery	\$123.55
J. B. Vogler & wife, Lillian R. Vogler, South Half Lot 65, Section "E", Elmwood Cemetery,	\$160.80
T. W. Caudle and Julia H. Caudle, Lot 85, Section "Z", Elmwood Cemetery,	\$38.00
Estate of Mrs. Jenette R. Reid, North Half Lot 82-A, Section "DX", Elmwood Cemetery,	\$70.00
Mrs. Ella Griffin Stewart, Lot 99-A, Section D-Annex, Elmwood Cemetery,	\$84.00

July 28, 1943
Page 349.

ADJOURNMENT.

On motion of Councilman Baker, seconded by Councilman Albea,
the meeting adjourned.

Lucian R. Haggman
Acting City Clerk