

A regular meeting of the City Council was held in the Council Chamber, City Hall, at 4 p.m., on March 9, 1949, with Mayor Baxter presiding and Councilmen Albea, DeLaney, Jordan, McKee and White present.

Absent: Councilman Childs.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman McKee, seconded by Councilman Albea, and unanimously carried, the minutes of the meeting on March 2nd were approved as submitted.

REQUEST FOR RELIEF FROM DRAINAGE WATER IN HIGH STREET MADE BY MRS. G. R. MILLER.

Mrs. G. R. Miller, 1714 High Street, requested relief from the surface water from Bay Street, Lamar Avenue and Hawthorne Lane, which she stated emptied into an open ditch in High Street flooding the area. Mayor Baxter requested the Council to visit the site.

REQUEST OF MECKLENBURG COUNTY COUNCIL OF VETERANS OF FOREIGN WARS FOR RENEWAL OF EFFORTS TO OBTAIN VETERANS HOSPITAL.

A resolution petitioning the City to renew its efforts toward obtaining the 500-bed Veterans Hospital for Charlotte was presented by Mr. Henry T. Ireland, Service Officer of the Mecklenburg County Council of Veterans of Foreign Wars. Mr. Ireland also urged that funds be allocated to send representatives of the City to Washington to campaign for the reinstatement of the hospital project.

Mayor Baxter advised that letters had been forwarded the North Carolina Congressional Representatives and the Veterans Administration regarding the matter, and that representatives of the City would confer with the proper persons while in Washington later this month attending another meeting.

OPPOSITION REGISTERED TO CONVERTING OLD CEMETERY ON EAST 5TH STREET INTO A PUBLIC PARK.

Miss Julia Alexander appeared before Council with regard to a press release that plans were being made to convert the Old Cemetery on East 5th Street into a public park. She stated that she and other residents had relatives buried there; that they urged that the City beautify the grounds but were strongly opposed to it being turned into a public park.

Mayor Baxter assured Miss Alexander that neither he nor the Council knew anything about such proposed plans, and he favored the beautification of the cemetery.

DISTRIBUTION OF CITY MAPS SHOWING NEW PRECINCTS AGAIN URGED BY PENDULUM CLUB.

Mr. Oscar Gatlin, President of The Pendulum Club, again requested that sufficient maps of the City, showing the new precincts, be purchased by the City and distributed to every person serviced by the City Water Department.

Mayor Baxter advised that the expenditure of \$300 by the Board of Elections for the purchase of maps authorized at the last Council Meeting had been supplemented to provide for securing 30,000 maps, which would be distributed to the general public.

RESOLUTION WITH REGARD TO EXCAVATION UNDER SIDEWALK IN FRONT OF 604-608 SOUTH TRYON STREET ADOPTED ON FINAL READING.

A resolution entitled, "Resolution with Regard to Excavation Under Sidwalk in Front of 604-608 South Tryon Street" was placed upon its final reading. Councilman Albea moved the adoption of the resolution. Motion seconded by Councilman Jordan, and unanimously carried. Resolution is recorded in full in Resolutions Book 1, at Page 160.

The above resolution was adopted subject to the provision set forth therein that The Observer Company enters into the following agreement:

A G R E E M E N T

THIS AGREEMENT, made and entered into this 9th day of March, 1949, by and between the City of Charlotte, a municipal corporation of the State of North Carolina (hereinafter referred to as the City), party of the one part, and The Observer Company, hereinafter referred to as owner, whether one or more persons or corporations, party of the other part;

W I T N E S S E T H:

The City Council of the City of Charlotte at two regular meetings of said Council duly passed resolutions as set forth in Minute Book 32 at pages 480 and 481, authorizing this agreement to be entered into granting a special privilege to the owner of the property known as 604-608 South Tryon Street, to excavate under the sidewalk immediately adjacent to said property and to use said excavated space, same being more particularly described as follows:

A space under the sidewalk on the northwest side of South Tryon Street immediately adjacent to said property with a length along said sidewalk of 117 feet 6½ inches, and with a depth of 13 feet for 20 feet and 7 inches thereof, and 11 feet 6 inches for 96 feet 11¼ inches thereof from the property line into the street.

This special privilege is granted upon the following conditions which are agreed to by the property owner as conditions precedent to the initial and continued exercise of such privilege.

(1) The special privilege for the construction and maintenance of said excavated space shall be revocable at the will of the governing body of the City, at any time, with or without any cause whatsoever, and in the event said special privilege is revoked, then said excavation shall be filled in promptly in accordance with the specifications of, and in a manner satisfactory to the City, and said sidewalk shall be restored in accordance with the specifications of, and in a manner satisfactory to the City.

(2) The plan and method of excavating and maintaining the excavated space shall be submitted to and be subject to the approval of the City.

(3) During the existence of said excavated space and for a period of three years after the filling in of same, in case of revocation of this special privilege as hereinabove provided, the property owner agrees:

(a) Continuously to maintain the sidewalk over said excavated space in a manner satisfactory to the City and to indemnify and save harmless the City from any and all claims of any nature whatsoever, due directly or indirectly to the property owner's failure to do this, including but not limited to claims on account of storm drainage and on account of injury to persons or property, which may arise against the City, whether justified or unjustified, and whether directly or indirectly due to the granting of this special privilege;

(b) To indemnify and save harmless the City from any and all costs of investigating such claims and/or defending such claims in court or otherwise;

(c) To record this agreement in the Office of the Register of Deeds for Mecklenburg County, N. C., and to furnish the City with the recorded copy;

(d) To furnish the City a bond in the amount of \$1,000.00, with a corporation authorized to do business in the State of North Carolina, as surety, said bond to be conditioned upon compliance by the present or any subsequent owner of said property with each and all of the conditions set forth and contained in this agreement.

IN TESTIMONY WHEREOF, this instrument has been duly executed, the day and year first above written by the parties hereto and their seals hereto affixed.

THE CITY OF CHARLOTTE

BY _____
Mayor

ATTEST:

City Clerk

THE OBSERVER COMPANY

BY _____
Owner

ADVERTISEMENT OF PROPERTIES AT 1304-06 SEIGLE AVENUE AND 804-06 EAST 17th ST.

Motion was made by Councilman DeLaney, seconded by Councilman McKee, and unanimously carried, authorizing the advertisement of the following property, upon receipt of bona fide offer accompanied by \$25.00, or 5% as deposit, whichever is the greater, with no bids to be accepted for less than the amounts herein indicated:

- Lot known as 1304-06 Seigle Avenue \$400.00
- Lot known as 804-06 East 17th Street \$275.00

ERECTION OF FOUNDRY ON HUTCHINSON AVENUE APPROVED.

Upon motion of Councilman Albea, seconded by Councilman DeLaney, and unanimously carried, the erection of a small foundry on Hutchinson Avenue by the Southern Precision Casting Company, in an Industrial-district, was approved, as recommended by the Building Inspector.

TREE REMOVAL AT 717 LAMAR AVENUE.

Motion was made by Councilman DeLaney, seconded by Councilman Jordan, and unanimously carried, authorizing the removal of a dangerous tree from the planting strip in front of the residence of Mr. Frank Love, 717 Lamar Avenue.

SANITARY SEWER CONSTRUCTION IN NORTH REMOUNT ROAD.

Councilman White moved that approval be given the construction of a new sanitary sewer extension in North Remount Road to near Wilkinson Boulevard, at an estimated cost of \$625.46, at the City's expense, to serve four houses using septic tanks and seven vacant lots. Motion seconded by Councilman Albea, and unanimously carried.

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RESOLUTION AUTHORIZING PERMANENT IMPROVEMENTS ON BARBOURS COURT BETWEEN EAST 5TH AND EAST 6TH STREETS.

A resolution entitled, "Resolution Authorizing Permanent Improvements on Barbours Court Between East 5th and East 6th Streets", was presented and read, and upon motion of Councilman Jordan, seconded by Councilman DeLaney was unanimously adopted. Resolution is recorded in full in Resolutions Book 1, at Page 161.

RESOLUTION AUTHORIZING THE ADVERTISEMENT OF NOTICE OF RESOLUTION AUTHORIZING PERMANENT IMPROVEMENTS ON BARBOURS COURT FROM EAST 5TH STREET TO EAST 6TH STREET.

A resolution entitled, "Resolution Authorizing the Advertisement of Notice of Resolution Authorizing Permanent Improvements on Barbours Court from East 5th Street to East 6th Street", was presented and read, and upon motion of Councilman Albea, seconded by Councilman White, was unanimously adopted. Resolution is recorded in full in Resolutions Book 1, at Page 161.

SPECIAL OFFICER PERMITS.

Motion was made by Councilman McKee, seconded by Councilman Jordan, and unanimously carried, authorizing the issuance of Special Officer Permits to Mr. Zac Sparse, on the premises of Whitin Machine Company, and to Mr. Thos. L. Query on the premises of A & P Company Warehouses.

LEASE OF AIRPORT PROPERTIES.

The City Manager reported that leases had been concluded with the following concerns for Airport properties:

BUILDING NO.	LESSEE	MONTHLY RENTAL	DATE AND TERM OF LEASE
88 (east end)	Carolina Machinery Company	\$86.40	2-1-49 2 years
17	A. W. Elliott	15.00	3-1-49 1 year
211	Paul Reed	5.12	3-1-49 2 years

Space in the Administration Building for the installation of insurance dispensing machines by the Associated Aviation Underwriters, for period expiring December 31, 1949, at a rental of \$10.00 per machine per month, or 5% of monies deposited in machines, whichever is the greater.

CEMETERY DEEDS.

Upon motion of Councilman McKee, seconded by Councilman Albea, and unanimously carried, the Mayor and City Clerk were authorized to execute deeds for the transfer of the following cemetery lots:

- (a) J. Hunter Hudson, for Perpetual Care on the northeast 1/3 of Lot 257, Section U, Elmwood Cemetery, at \$12.50.
- (b) Thomas C. Ferguson and wife, for Lot 175, Section 3, Evergreen Cemetery, at \$104.00.
- (c) Mrs. G. T. Smith, for northwest 1/4 of Lot 176, Section 3; Evergreen Cemetery, at \$26.00.

ITEMS PRESENTED BY UNANIMOUS CONSENT.

Upon motion of Councilman Albea, seconded by Councilman Jordan, the following items, no included in the Docket, were presented with the unanimous consent of Council.

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LOCATION FOR ADDITION TO CAROLINA TRANSFER & STORAGE COMPANY BUILDING
APPROVED.

Motion was made by Councilman DeLaney, seconded by Councilman Jordan, and unanimously carried, approving the location of an addition to the Carolina Transfer and Storage Company, adjacent to the existing building at 1230 West Morehead Street.

EXECUTION OF RELEASE OF EASEMENT FOR SEWER AND WATER PURPOSES TO MARSH LAND COMPANY.

Councilman Jordan moved that the Mayor and City Clerk be authorized to execute a release to Marsh Land Company of so much of City's easement for sewer and water purposes, as shown on City Engineer's Map A-7-B-43, as lies north of Sedgefield Road. Motion seconded by Councilman DeLaney, and unanimously carried.

ADJOURNMENT.

Upon motion of Councilman DeLaney, which unanimously carried, the meeting was adjourned.

Leicester R. Hayman
City Clerk