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The regular meeting of the City Council was held in the Council Chamber, City Hall, at 4 p.m., on Tuesday, September 11, 1945; with Mayor Baxter presiding, and all members of the Council being present.

MINUTES APPROVED.

Upon motion of Councilman Childs, seconded by Councilman Hinson, the minutes of the meeting on August 28, 1945 were approved as read.

Upon motion of Councilman Newson, seconded by Councilman Childs, the minutes of the meeting on September 4, 1945 were approved as read, and Councilman McIntyre requested that \$8,029.00 be shown as the actual price paid for the Two Bulldozers purchased from the Federal Government Surplus War Materials.

ADOPTION OF RESOLUTION EMPLOYING FRANK H. KENNEDY AND GOEBEL PORTER, ATTORNEYS, IN CONNECTION WITH CERTAIN CONDEMNATION PROCEEDINGS NECESSARY FOR EXTENSION OF THE CITY SEWER AND SANITATION SYSTEM.

Upon motion of Councilman Childs, seconded by Councilman Puette, the following resolution was unanimously adopted:

RESOLVED, that the City Council employ Frank H. Kennedy and Goebel Porter, Attorneys, for the purpose of performing certain extra or special work in connection with the condemnation of certain right-of-ways and certain restrictions, if any, over and on certain parcels and lots of land located in or near Club Acres, which is necessary in order to extend the City sewer and sanitation system. Compensation to be paid to Frank H. Kennedy and Goebel Porter for such services in connection with said condemnation proceedings, shall be approved by the City Council.

ADOPTION OF RESOLUTION WITH RESPECT TO RIGHT-OF-WAY FOR EXTENSION OF SEWER SYSTEM.

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

WHEREAS, in the opinion of the Council, it is necessary to extend the sewer system for such public use, from a new manhole over a 12-inch sanitary sewer which is N. 21 deg. 49" W., 13.3 feet from an old manhole, thence N. 74 deg. 36" E., 35.5 feet across Space Reserved; thence N. 74 deg. 36" E. about 182.5 feet to Hamilton Avenue; thence N. 15 deg. 16" W. 50 feet along the Westerly edge of Hamilton Avenue to the common corner of Lots 33 and 34, Block 10, as shown on a map of Midwood recorded in Book 230, Page 285 in the Register of Deeds' Office for Mecklenburg County, North Carolina, and for that purpose it is necessary that the City of Charlotte acquire the right-of-way over the land necessary for this extension, together with any right any person or persons may have in the building restriction which may be on said lot 34, above-mentioned, which is more particularly described as follows:

First Tract: That certain strip of land 10 feet in width, extending along and over the said property and lying 5 feet on each side of a line designated as the center line of a right-of-way over said premises, for the purpose of construction, reconstruction, laying and/or maintaining a sewer or water line, said center line being more particularly described

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as follows, to wit:

BEGINNING at a point, the center of a new manhole over a 12-inch sanitary sewer, which said manhole is located N. 21 deg. 49" W. 13.3 feet from an old manhole over said sanitary sewer, the right-of-way to which is recorded in Book 764, Page 615, in the Register of Deeds' Office for Mecklenburg County, North Carolina, thence with the center line of a new 8-inch sanitary sewer N. 74 deg. 36" E. 35.5 feet to a point on the westerly end of Lot 34, Block 10, as shown on a map of Midwood, recorded in Book 230, Page 285, in the aforesaid registry, and crossing an easterly portion of a strip of land shown as Space Reserved, and being a strip of land as further shown on a map, A-7-6-55, filed in the City Engineer's Office, Charlotte, Mecklenburg County, North Carolina.

Second Tract: **BEGINNING** at a point, the common-front corner of lots 33 and 34, Block 10, on the westerly edge of Hamilton Avenue as shown on a map of Midwood recorded in Book 230, Page 285, in the Register of Deeds' Office for Mecklenburg County, North Carolina, thence with the said westerly edge of Hamilton Avenue, S. 15 deg. 16" E. 50 feet to the common-front corner of Lots 34 and 35, thence with the dividing line of said lots 34 and 35 S. 74 deg. 44" W. 182.5 feet to the common-rear corner of said lots 34 and 35 to the easterly line of a strip of land labeled Space Reserved, claimed to be owned by M. Lee Heath and D. Morgan Heath, thence with the said common-rear line of Lot 34, Block 10, and Space Reserved easterly line N. 15 deg. 16" W. 10 feet to a new corner, thence parallel with and 10 feet at right angles northerly from the common lot line of said Lots 34 and 35, N. 74 deg. 44" E. 172.5 feet to a point, a new corner, thence parallel with and 10 feet at right angles westerly from the edge of above said Hamilton Ave., N. 15 deg. 16" W. 40 feet to a point on the common-lot line of Lots 33 and 34, thence with the said common-lot line of Lots 33 and 34 N. 74 deg. 44" E. 10 feet to the point of **BEGINNING**, and containing 0.051 of an acre, more or less, all being briefly described as a strip of land 10 feet wide off of the front of a 50-foot wide lot facing the westerly edge of Hamilton Ave., and a strip of land 10 feet wide off of the southerly side of an 182.5 foot length lot, all being Lot 34, Block 10 in Midwood, a map of which is recorded in Book 230, Page 285, in the Register of Deeds' Office, Mecklenburg County, North Carolina, and are as shown on a map filed A-7-C-55, in the City Engineer's Office, Charlotte, North Carolina, which said map is hereto attached and made a part hereof.

AND, WHEREAS, some of the said land is now claimed to be owned by M. Lee Heath and D. Morgan Heath and possibly others, and whereas M. Lee Heath and D. Morgan Heath have stated to a representative of the City of Charlotte that they will not fix a price for which they will sell rights-of-way over the said land they claim to own, or any rights they claim might be damaged by extending the said sewer line over lot 34, to the City of Charlotte, and whereas, a committee of the Real Estate Board of the City of Charlotte has appraised the value of the right-of-way in the First Tract at \$150.00 and the value of the restriction, if any, on the Second Tract as \$50.00, and the value of the right M. Lee Heath and D. Morgan Heath might have in the restriction, if any, on Second Tract, so as to comply with the law in condemnation proceedings, as \$1.00.

NOW, THEREFORE, BE IT RESOLVED that the Council finds and declares the value of the said right-of-way in the First Tract to be \$150.00, and the value of said restriction, if any, on the Second Tract to be \$50.00, and the value of any right M. Lee Heath and D. Morgan Heath might have, if any, in the Second Tract, so as to comply with the law in condemnation proceedings, to be \$1.00, and that L. L. Ledbetter, Treasurer of the City of Charlotte, be, and he is, instructed to notify M. Lee Heath and D. Morgan Heath that the City of Charlotte is unwilling to pay more than \$150.00 for

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right-of-way over the First Tract; and to notify M. Lee Heath and D. Morgan Heath that the City of Charlotte is unwilling to pay more than \$1.00 for any right they might have in said restriction, if any, on the Second Tract and that the said Ledbetter be, and he is, authorized and directed, if possible, to agree with M. Lee Heath and D. Morgan Heath for the purchase of said right-of-way over the First Tract and for purchase of their right, if any, in said restriction, on the said Second Tract of land at the said price;

RESOLVED FURTHER, that L. L. Ledbetter be, and he is, instructed to notify M. Lee Heath and D. Morgan Heath that the City of Charlotte is willing to pay them \$150.00 for the right-of-way over the First Tract, and he is instructed to notify M. Lee Heath and D. Morgan Heath that the City of Charlotte is willing to pay them \$1.00 for any right they have in the restriction, if any, on the Second Tract, for the purpose of complying with the law in condemnation proceedings, and the said Ledbetter be, and he is, instructed to attempt to agree with the said parties for the purchase of said right-of-way and restriction, if any.

RESOLVED FURTHER, that if any other person owns any interests in the said property, the said Ledbetter be, and he is, instructed to attempt to agree with them for the purchase of their interests in the right-of-way or restriction, if any, with the understanding that he is authorized to agree to pay the right-of-way and restrictions, if any, to the said property, not more than the appraised value fixed by the City of Charlotte, as shown above, for their proportionate interests.

RESOLVED FURTHER, that in the event the said Ledbetter is unable to agree with the owners of said property for the purchase of the right-of-way and restrictions, if any, then the City Attorney and other attorneys representing the City of Charlotte and the City Engineer are hereby instructed to prepare such maps and other data as may be necessary for the City of Charlotte to condemn the said land.

CONTRACT AUTHORIZED WITH M. LEE AND D. MORGAN HEATH FOR WATER MAIN CONSTRUCTION, IN CERTAIN STREETS AND ROADS.

Motion was made by Councilman Childs that contract be executed between M. Lee and D. Morgan Heath and the City of Charlotte granting them the privilege of constructing water mains in certain streets and roads set forth in said contract. Motion seconded by Councilman White, and unanimously carried.

CONTRACT AUTHORIZED WITH H. N. PEASE & COMPANY, INC., FOR CERTAIN IMPROVEMENTS TO WATER WORKS SYSTEM.

Councilman Childs moved that contract be authorized with J. N. Pease & Company, Inc., for certain improvements to the city's water works system. Motion seconded by Councilman Hinson, and unanimously carried.

APPLICATION BY BEN. E. DOUGLAS TO TAP ONTO CITY WATER LINE IN ALBEMARLE ROAD.

The City Manager advised that Mr. Ben E. Douglas had made application to tap onto the city's water line to the new cemetery site in Albemarle Road, to serve a residential section to be developed by him. Councilman Puette moved that the application be expedited by the City upon receipt of the proper maps, etc., from Mr. Douglas. Motion seconded by Councilman Hinson, and unanimously carried.

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TAX FORECLOSED PROPERTY ON ASHEVILLE PLACE, LOMBARDY CIRCLE, SEIGLE AVENUE AND HILLSIDE DRIVE AUTHORIZED ADVERTISED FOR SALE.

Councilman Newson moved the adoption of the recommendation of the Appraisal Committee that the City Treasurer be authorized to advertise for sale the following property upon receipt of bona fide offer accompanied by 5% deposit, with no bids to be accepted for less than the amount set forth opposite each piece of property:

1815-20 Asheville Place	\$ 900.00
2011-13 Lombardy Circle	675.00
1600-02 Seigle Avenue	350.00
1604-06 Seigle Avenue	350.00
1608-10 Seigle Avenue	475.00
1612-14 Seigle Avenue	500.00
1616-18 Seigle Avenue	500.00
1620-22 Seigle Avenue	500.00
1835-37 Hillside Drive	550.00
1839-41 Hillside Drive	600.00
1943-45 Hillside Drive.	600.00

Motion seconded by Councilman Puette, and unanimously carried.

ENCROACHMENT RIGHT-OF-WAY AGREEMENT AUTHORIZED WITH STATE HIGHWAY COMMISSION FOR WATER LINE IN ALBEMARLE ROAD.

Councilman Johnston moved that an Encroachment Agreement be entered into with the State Highway Commission for the construction of a water line to the new cemetery site under the State Highway right-of-way in Albemarle Road. Motion seconded by Councilman Puette, and unanimously carried.

EXECUTION OF RELEASE OF PROPERTY AT 111 SOUTH MINT STREET BY U. S. ARMY AUTHORIZED.

Upon motion of Councilman Hinson, seconded by Councilman Childs, the Mayor was unanimously authorized to execute a release of property at 111 South Mint Street by the United States Army; said property having been used by the Army as a Comfort Station and later a Prophylactic Station.

BOND FOR EXCAVATION UNDER SIDEWALK AT S. TRYON STREET AND W. 3RD STREET WITH GEO. W. WILSON, JR. CANCELLED AND NEW BOND WITH J. R. JORDAN ACCEPTED.

Councilman Hinson moved that Geo. E. Wilson, Jr., be relieved of any claim by the City due to excavation under the sidewalk at the southwest corner of S. Tryon Street and West 3rd Street covered by Bond. That a Bond to cover the excavation be accepted from the present property owner, J. R. Jordan. Motion seconded by Councilman Childs, and unanimously carried.

PETITIONS FILED FOR IMPROVEMENTS TO MECKLENBURG AVENUE, WILMORE DRIVE EAST, CLAYTON DRIVE AND CUMBERLAND AVENUE AND IMPROVEMENTS TO SIDEWALKS, CURBS AND GUTTERS AUTHORIZED.

The City Manager advised that petitions had been filed for improvements to sidewalks, curbs and gutters on Mecklenburg Avenue, Wilmore Drive East, Clayton Drive and Cumberland Avenue, signed by more than 51% of the property owners representing more than 51% of the abutting front footage. Councilman Hinson moved that the petitions be filed with the City Clerk, and work commenced as soon as possible. Motion seconded by Councilman Puette, and unanimously carried.

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RE-ROUTING OF STREET BUSES FROM EAST 4TH STREET TO TRADE STREET.

Councilman Johnston moved that the City Manager and City Attorney be directed to confer with the officials of the Duke Power Company relative to the removal of Street Buses from East 4th Street and re-routing them on Trade Street. Motion seconded by Councilman White, and unanimously carried.

PURCHASES AND CONTRACTS AUTHORIZED.

Motion was made by Councilman Puette that the following purchases and contracts be authorized, as recommended by the City Manager. Motion seconded by Councilman Hinson, and unanimously carried:

1. Contract with Godwin Floor Covering Shop, for furnishing and installing floor covering in the Fifth Street Fire Station, at a total cost of \$546.00.
2. Payment to Hobbs-Peabody Construction Company of \$105.00 for furnishing Caterpillar Bulldozer with operator, to level off dump from lot at rear of Shuman Avenue Incinerator.
3. Contract with Carolina Concrete Pipe Company for 642 feet of 18 inch pipe at a total cost of \$545.70, for use by the Engineering Department.
4. Purchase of 40,000 printed, stamped envelopes from the Charlotte Post Office at a cost of \$1,320.00, for the Water Department.
5. Payment of \$127.39 to American-LaFrance Foamite Corp., for repair parts for fire trucks.
6. Purchase of 60,000 postal cards from the Charlotte Post Office at a cost of \$600.00, for use by the Water Department.
7. Contract with Neptune Meter Company for the purchase of 50 - 5/8 inch and 3 - 2 inch water meters and 1 - 3 inch compound meter, at a delivered price of \$219.60.
8. Contract with Globe Automatic Sprinkler Company for the purchase of 3 - 6 inch and 1 - 8 inch automatic Check Valves, at a net delivered price of \$709.50, for the Water Department.

AUTHORIZATION OF PURCHASE OF ELECTRICAL EQUIPMENT FROM MARITIME COMMISSION RESCINDED.

Upon motion of Councilman McIntyre, seconded by Councilman Puette, the authorization of purchase of electrical equipment from the Maritime Commission on September 4, 1945, was rescinded by a unanimous vote of Council.

REQUEST OF S. R. BEARD TO REDEEM TAX FORECLOSED PROPERTY AT 2408-10 NORTH TRYON STREET REFERRED TO APPRAISAL COMMITTEE.

Mr. Francis Clarkson, Attorney, requested that S. R. Beard be permitted to redeem property foreclosed by the City for delinquent taxes and street assessments, and deeded to the City on July 1, 1944, same being located on North Tryon Street, lots 11 and 12 in Block X, of Geo. W. Graham property, being 2408-10 North Tryon Street. Mayor Baxter referred the matter to the Appraisal Committee for report at the next Council Meeting.

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ADOPTION OF AN ORDINANCE AMENDING THE TAXICAB ORDINANCE.

Councilman Childs moved the adoption of an Ordinance entitled, "AN ORDINANCE TO REGULATE AND CONTROL THE OPERATORS AND OPERATION OF TAXI-CABS AND MOTOR VEHICLES CARRYING PASSENGERS FOR HIRE FROM PLACE TO PLACE WITHIN THE CITY OF CHARLOTTE, AMENDED". Motion seconded by Councilman Puette, and unanimously carried. Ordinance is recorded in full in Ordinance Book 9, Page 282.

ADOPTION OF AN ORDINANCE AMENDING THE TAXICAB ORDINANCE.

Councilman Childs moved the adoption of an ordinance entitled, "AN ORDINANCE TO REGULATE AND CONTROL THE OPERATORS AND OPERATION OF TAXI-CABS AND MOTOR VEHICLES CARRYING PASSENGERS FOR HIRE FROM PLACE TO PLACE WITHIN THE CITY OF CHARLOTTE, AMENDED". Motion seconded by Councilman Newson, and unanimously carried. Ordinance is recorded in full in Ordinance Book 9, Page 283.

ADOPTION OF AN ORDINANCE AMENDING THE TAXICAB ORDINANCE.

Councilman Childs moved the adoption of an ordinance entitled, "AN ORDINANCE TO AMEND AN ORDINANCE TO REGULATE AND CONTROL DRIVERS AND OPERATORS OF TAXICABS AND TO TAX VEHICLES USED AS TAXICABS". Motion seconded by Councilman Hinson, and unanimously carried. Ordinance is recorded in full in Ordinance Book 9, Page 284.

CONSIDERATION OF OVERALL TRAFFIC SITUATION SCHEDULED FOR COUNCIL MEETING ON SEPTEMBER 18, 1945.

Councilman Puette moved that the Council consider the overall traffic situation at the meeting on September 18, 1945. Motion seconded by Councilman Childs, and unanimously carried.

SPRINGDALE AVENUE FROM TREMONT AVENUE SOUTH 150 FEET TAKEN OVER FOR MAINTENANCE.

Councilman Hinson moved that Springdale Avenue, from Tremont Avenue south for a distance of 150- feet be taken over by the city for maintenance. Motion seconded by Councilman McIntyre, and unanimously carried.

INCREASE IN SALARY OF CITY SOLICITOR AUTHORIZED.

Motion was made by Councilman Childs that the salary of the City Solicitor be increased from \$263.00 to \$300.00 per month, effective September 1, 1945, and that \$370.00 be appropriated from the Emergency Fund to supplement funds budgeted for this purpose. Motion seconded by Councilman Puette, and unanimously carried.

CONTRACT AWARDED EAGLE SIGNAL CORP. FOR THREE CO-ORDIPLEX CONTROLLERS.

Councilman McIntyre recommended that contract be awarded the Eagle Signal Corporation for 3 co-ordiplex controllers for the traffic signal system, at a cost of \$721.65, as requested by the Inspection Department. Motion seconded by Councilman Childs, and unanimously carried.

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SPECIAL OFFICER PERMIT RENEWED TO C. V. ALLISON..

Upon motion of Councilman Hinson, duly seconded by Councilman Johnston, the Special Officer Permit of C. V. Allison was renewed for one year for service on the premises of Elmwood and Pinewood Cemeteries, and on the premises of the American Legion Memorial Stadium.

ADJOURNMENT.

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

Leicester R. Hoffman
City Clerk