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The City Council met in regular weekly session at 4 P. M., Wednesday, September 17, 1941, in the Council Chamber, City Hall; Mayor Currie presiding and Councilmen Albea, Beasley, Daughtry, Hovis, Little, Painter, Price, Ross, Slye and Ward being present.

Absent: Councilman Baker.

CLAIM OF MRS. IRENE SCHULZ WALSH, ADMNX. OF ESTATE OF DR. W. H. WALSH
PRESENTED.

Claim of Mrs. Irene Schulz Walsh, of Chicago, Ill., Administratrix of the estate of Dr. Wm. H. Walsh, against the City of Charlotte, in the amount of \$6,410.46, alleged balance due on Charlotte Memorial Hospital Account, was formally filed with the Council, through Attorney Frank Kennedy, and same was referred to the City Manager to turn over to the City Attorney.

COMMUNITY CHEST DRIVE PERMITTED TO HANG BANNERS, ETC. FOR DRIVE.

Mr. H. B. Diamond appeared before the Council and requested permission to put up cloth banners or signs across the streets during the Community Chest Drive, at the following places:

One	between	the	Square	and	4th	Streets
One	"	"	"	"	5th	"
One	"	"	"	"	Church	Street
One	"	"	"	"	College	Street

Also a sign over the corner of Trade and Morehead Sts., and permission to place 22" x 28" cardboard signs on each of the light poles downtown and in a few residential and semi-residential localities in the city.

He also asked that in order to carry out a spectacular start for the drive on the opening day, Saturday, November 1st., at noon, that they be permitted to drop from an aeroplane 8,000 small heart-shaped circulars, 6" x 6", with sales appeal of Community Chest on one side, several hundred of which will have free passes to the Carolina Theatre on the other side. He advised that Mr. Dabney Coddington would fly his own plane for this work.

Councilman Ward made a motion that the entire request be granted provided they abide by the ordinance in effect regarding the dropping of advertising matter from aeroplanes, subject to the approval of the City Attorney and the Civil Aeronautics Authority. Motion seconded by Councilman Beasley and carried.

APPEAL MADE BY ANDREW STOGNER FOR BETTER LIABILITY INSURANCE COVERAGE ON TAXICABS.

Mr. Andrew Stogner, who had his neck broken in a taxicab accident some time ago, appeared before the Council with an appeal that the City require better liability insurance coverage than the present ordinance carries. Mr. Stogner advised that he was awarded \$10,000.00 damages by the Courts, but was only able to collect \$2500.00 through the insurance company, which is the amount required for injury to one person in any one accident; being unable to collect the balance due to the fact

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that the taxicab company is out of business and judgment cannot be collected.

After hearing Mr. Stogner's appeal, the Mayor referred the matter to the Finance Committee to confer with the City Attorney to see what can be done regarding this situation.

MINUTES OF SEPTEMBER 10TH. MEETING APPROVED.

On motion of Councilman Little, seconded by Councilman Albea and carried, the minutes of the meeting of September 10th., were approved as read.

MR. J. H. CARSON APPOINTED TO FILL VACANCY ON PARK AND RECREATION COMMISSION.

At this time Councilman Daughtry placed in nomination to fill the vacancy on the Park and Recreation Commission due to the resignation of Mr. Cecil B. Pate, the name of Mr. J. H. Carson. This motion was seconded by Councilman Ross.

Councilman Albea, seconded by Councilman Hovis, nominated Mr. J. A. Scoggins.

A vote was taken on the motion to elect Mr. Scoggins, which resulted in a vote of five affirmative and five negative. When the vote was taken on Mr. J. H. Carson, this vote also resulted in a tie vote, five and five, and the Mayor cast his vote in favor of Mr. Carson, thus electing Mr. Carson to this position.

REPORT OF COMMITTEE APPOINTED TO INVESTIGATE VARIOUS MATTERS CONTAINED IN PETITION OF MRS. SARAH ROSS HOUSER AGAINST JUDGE REDD, ADOPTED.

The following report was made by the Chairman of the Committee appointed to investigate the various matters contained in the petition of Mrs. Sarah Ross Houser, and on motion of Councilman Daughtry, seconded by Councilman Slye was adopted, with certain amendment made by Councilman Price, seconded by Councilman Slye, namely: that with regard to the use of the City's car, the report read that not only Judge Redd but any employee in that Department not be permitted to use any automobile of the City:

TO THE BOARD OF COUNTY COMMISSIONERS OF MECKLENBURG COUNTY AND THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

The Special Committees heretofore appointed by you to investigate and report on the various matters contained in the petition of Mrs. Sarah Ross Houser, dated August 19, 1941, after having previously met separately, met in a joint session on September 16, 1941.

There were present all members of both Committees, namely, Messrs. McDonald, Cashion and Hamilton from the Board of County Commissioners, and Messrs. Daughtry, Ward and Slye from the City Council. Mr. J. L. DeLaney, County Attorney, and Mr. Hugh B. Campbell, City Attorney, were also present.

After carefully reviewing the various charges submitted by Mrs. Houser, your Committees recommend the following:

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1. That no action be taken to reinstate Mrs. Houser as an employee in the Domestic Relations Court because that is a matter to be dealt with by Judge Redd.
2. That on occasions in the past Judge Redd has used the automobile furnished by the City and County for personal matters and may have taken some of the business time of the Process Officer of the Domestic Relations Court for his personal business; that such use was more than compensated for, however, by Judge Redd using his personal automobile on business of the Court and nothing will be gained at this time by taking any action concerning past occurrences of this nature.
3. That it is advisable, however, for future guidance to instruct Judge Redd that he is not to use any automobile furnished by the City and County for any personal matters and that he is not to use any of the business time of the Process Officer or any other employee of the Domestic Relations Court for his personal business. (This section amended. See motion above).
4. That with regard to the various other charges made, no investigation is justified or warranted because, whether such investigation should prove the charges true or not, no action could or should be taken by your bodies. Such charges more properly belong before the North Carolina State Bar or some other organization.

Respectfully submitted,

Chairman Joint Committee

PURCHASE OF STOKERS FOR FIRE DEPARTMENT.

Upon motion made by Councilman Little, seconded by Councilman Albae, order was placed with Ballenger Bros. Coal Company, for five stoker installations for the Fire Department, at a net installed price of \$1,075.00, and the Mayor and Clerk were authorized to sign the contract.

The following bids were received on these installations:

Ballenger Bros. Company	\$1,075.00
Wm. T. Alexander & Company	1,083.00
Royal Coal & Coke Company	1,119.07
" " " " " (alternate bid	
1 stoker for boiler #2-3-9	\$232.08
Garrison & Hopkins Company	1,224.00
Continental Electric Corp	1,227.40
Howard & Kelly Coal Co.	1,262.00
P. C. Godfrey	1,315.00
Avrett & Ledbetter Roofing & Htg. Co.	1,555.00

PURCHASE OF UNIFORMS.

The following bids on Uniforms for the Fire Department, Police Department, Sanitary Department, Street Department and Health Department and Radio Divisn, were submitted:

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SECTION 1. FIRE DEPARTMENT.
123 Coats, 123 Vests, 246 Trousers, 3 complete
Uniforms for Chief Officers and 175 Badges.

Martin's Department Store	\$4,082.90
Charlotte Mercantile Company	4,086.75
Elliott & Fink	4,359.35
The Lilley-Ames Company	4,545.90
Efird's Department Store	4,634.25
Belk Bros. Company	4,726.70

On motion of Councilman Little, seconded by Councilman Ross, contract was awarded to the lowest bidder, Martin's Department Store, at a net delivered price of \$4,082.90 and the Mayor and Clerk were authorized to sign the contract.

SECTION 2. POLICE DEPARTMENT.
13 Officer's coats; 81 Patrolman, Radio and Motor-
cycle Coats; 10 Overcoats for Patrolmen; 9 short
overcoats; 151 Breeches; 31 officer's and patrolmen
caps; 63 Radio and Patrolmen soft top caps; 2
special policemen coats; 2 special overcoats; 4
special patrolmen breeches; 2 special patrolmen
caps and 37 officers' and patrolmen trousers.

Elliott & Fink	\$5,469.30
Charlotte Mercantile Company	5,618.45
Efird's Department Store	5,909.90
Belk Bros. Company	6,356.70
The Lilley-Ames Company	6,646.00
Martin's Department Store	6,676.20

On motion of Councilman Albea, seconded by Councilman Slye, award of this section was made to the lowest bidder, Elliott & Funk, of Charlotte, at a net delivered price of \$5,469.30, and the Mayor and Clerk were authorized to sign the contract.

SECTION 3. HEALTH & RADIO DIVISION.
1 Radio officer's coat; 4 Health Department and
Radio Division coats; 10 trousers and 5 caps.

Charlotte Mercantile Company	\$ 206.50
Elliott & Fink	223.75
Efird's Department Store	236.70
Belk Bros. Company	242.90
The Lilley-Ames Company	256.70

Award on this section was made to the lowest bidder, Charlotte Mercantile Company, on motion made by Councilman Beasley, seconded by Councilman Albea and carried, at a net delivered price of \$206.50; the Mayor and Clerk being authorized to sign the contract.

SECTION 4. SANITARY DEPARTMENT.
248 Overalls; 124 jackets; 248 shirts; 124 cap
covers and 60 coveralls.

Belk Bros. Company	\$1,105.52
Martin's Department Store	1,154.09

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It was the recommendation of the City Manager that this item be purchased from the lowest bidder, Belk Bros. Company, however, due to the fact that the bid of Belk Bros. was on two different makes, the coveralls or overalls of one material and the shirts of another make, Councilman Hovis, seconded by Councilman Little, moved that the award be made to Martin's Department Store, at the slightly higher price. This motion, after much discussion and after consulting the Purchasing Agent, failed to carry.

On motion of Councilman Ross, seconded by Councilman Slye, award was made to Belk Bros. Company, at the net delivered price of \$1,105.52 and the Mayor and Clerk were authorized to sign the contract.

SECTION 5. STREET DEPARTMENT
152 Overalls; 76 jackets; 152 shirts and
38 caps.

Belk Bros. Company	\$591.28
Martin's Department Store	628.99

On motion of Councilman Price, seconded by Councilman Daughtry, this item was awarded to the low bidder, Belk Bros. Department Store, at the net delivered price of \$591.28 and the Mayor and Clerk were authorized to sign the contract.

PURCHASE OF FIRE HOSE.

The following bids having been received on 2000 ft. of $2\frac{1}{2}$ -inch and 1000 ft. of $1\frac{1}{2}$ -inch Underwriters Fire Hose:

Matthews-Morse Sales Company	\$1,961.75
The Textile Mill Supply Company	1,964.90
Fabric Fire Hose Company	1,964.90
The Charlotte Supply Company	1,964.90
Eureka Fire Hose Division	1,964.90
The General Fire Hose Company	1,974.70

Councilman Ward moved that the order be placed with the lowest bidder, Matthews-Morse Sales Company, at the net delivered price of \$1,961.75, and the Mayor and Clerk sign the contract. Motion seconded by Councilman Hovis and carried.

GENERATOR UNIT FOR LIGHTING TRUCK AT NO. 1 FIRE STATION.

On motion of Councilman Hovis, seconded by Councilman Ross, authority was given for the purchase of a Generator Unit to be used in connection with the lighting truck at No. 1 Fire Station, from the Mill Power Supply Company, at the net delivered price of \$1,000.00.

Advertisement for this generator unit was carried in the Charlotte News of September 5th., but only one bid was received, that of the Mill Power Supply Company.

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SEWER LINE IN DALTON AVENUE.

The City Manager reported that in connection with the laying of the sewer line in Dalton Avenue, between Statesville Avenue and North Tryon Street, that it was necessary to rent an Air Compressor and a Hand Diaphragm Pump from Boyd and Goforth, and that the following amount is now due- \$133.14.

On motion of Councilman Albea, seconded by Councilman Little, payment to Boyd and Goforth, in the amount of \$133.14 was authorized to be paid from the Sewer Bond Fund Account.

CONCRETE PIPE FOR PEDESTRIAN UNDERPASS ON EAST 10TH STREET.

Councilman Ward moved that the payment of \$142.50 be made for 150 feet of 18" reinforced concrete which was purchased as an emergency requirement for the Pedestrian Underpass on East 10th Street, from the Carolina Concrete Pipe Company. Motion seconded by Councilman Albea and carried.

REQUEST FOR CITY MAINTENANCE ON WESTOVER STREET DENIED.

The City Manager reported receipt of petition signed by 26 residents in the vicinity of Westover Street, that the block of this street between Chesterfield Avenue and Bay Street, be taken over for city maintenance. The Engineering Department estimated \$359.33 as the amount necessary to grade, topsoil and roll this street to put it in shape for maintenance. The owners of the lots facing on this street do not feel that they should bear this expense. After discussion, Councilman Ross made a motion that the request be denied until such time as the street has been put in shape for taking over. Motion seconded by Councilman Little and carried.

CHANGE IN LOCATION OF BRIDGE ACROSS FORDSON AVENUE.

Mr. Ledbetter, City Manager, reported receipt of a communication from Mr. Stanley H. Wright, Chief Engineer for Deitrick & Olson, Architect-Engineers for the Charlotte Quartermaster Depot, stating that they have rearranged the intersection of Fordson Avenue and Lucena Street in the belief that this arrangement will place the bridge at a better angle where it crosses the railroad. This proposed arrangement will require the City to obtain some additional private property and they request approval of this change. The City Manager recommended that Mr. Wright be advised that no change be made that will incur any obligation, present or future, on the City of Charlotte.

Councilman Albea, seconded by Councilman Slye, moved that the City Manager's recommendation be sustained. Motion carried.

PURCHASE OF RIGHT-OF-WAY FOR AIRBASE SEWER LINE.

Mr. Ledbetter also reported that in connection with the agreement which the City has with the U. S. Government for sewer line from the Ary Airbase to the Disposal Plant, the City was to be reimbursed by the Government for the rights-of-way necessary, not to exceed \$1200.00, which was based on the average cost of right-of-way not exceeding 15¢ per lineal foot. Four property owners are holding out for more money, which, if

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granted, will cause an additional expenditure from City funds of about \$665.00. He stated that the case of each property owner will have to be treated individually and on its merits. Also that the City has the \$665.00 available in a reserve fund which can be used. It was his recommendation that Mr. R. W. Kuykendall be paid \$383.40 for 1556 ft. of right-of-way at 15¢ per ft. and 500 feet at 30¢, the additional 15¢ being for 500 ft. of trestle across his land. He reported that this had been examined by Mr. Hugh Campbell, City Attorney and Mr. Roy Dulin, acting as Appraiser and is in line with their recommendations.

On motion of Councilman Ward, seconded by Councilman Painter, the recommendation of the City Manager, as set forth above, was approved and Mr. R. W. Kuykendall is to be paid the sum of \$383.40 for the right-of-way over his property.

WATER LINE EXTENSION.

On motion of Councilman Albea, seconded by Councilman Price, the application of Mr. Henry W. Harkey, for extension of 1700 ft. of 2" and 3" water mains outside the city limits, to be connected to the lines owned by the Sharon Water Company, was authorized if and when the City can secure priority for the necessary pipe, so as not to deplete the stock of the Water Department.

PURCHASE OF YEAR'S SUPPLY OF COAL.

The City Manager reported receipt of only one bid covering a year's supply of Coal, as follows:

COCHRAN AND ROSS COAL COMPANY:

400 Tons Pocahontas Egg Coal	@ \$7.95	\$3,180.00
700 " " ROM "	7.30	5,110.00
200 " " Pea "	7.70	1,540.00
15 " Blacksmith Coal	7.00	105.00
Total - net delivered price		\$9,935.00

The specifications for this coal called for Pocahontas and was recommended by the Smoke Abatement Engineer as a low volatile coal, to reduce smoke and soot. The price per ton of this coal over Red Ash, a high volatile coal, is much higher and will exceed the budget allowances for this item; the coal for the City Hall buildings calling for an additional amount of \$880.00 over the budget appropriation, which will have to come from the Emergency Fund.

On motion of Councilman Little, seconded by Councilman Albea, award for a year's supply of coal was made to Cochran and Ross Coal Company, at the net delivered price of \$9,935.00, and the Mayor and Clerk were authorized to sign the contract; also that \$880.00 be reserved in the Emergency Fund to cover the additional cost in the Municipal Buildings budget.

RENEWAL OF AGREEMENT FOR WEATHER BUREAU AT AIRPORT.

Upon motion of Councilman Ross, seconded by Councilman Beasley, the Mayor and Clerk were authorized to sign a renewal agreement with the United States of America for the Weather Bureau space at the Airport, for the period July 1, 1941 to June 30, 1942.

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RESOLUTION AUTHORIZING AIRPORT COMMISSION TO SELL RESTAURANT EQUIPMENT.

Upon motion of Councilman Slye, seconded by Councilman Albea, the following resolution was unanimously adopted:

RESOLVED that the Airport Commission be, and it is, authorized in such manner, for such price and upon such terms as it sees fit to sell all equipment, accessories, supplies and other property now held by it in connection with the restaurant at the Airport, the operation of which has been abandoned.

CIVILIAN DEFENSE SCHOOL.

Upon motion of Councilman Beasley, seconded by Councilman Slye, Captain J. M. Munday, of the Fire Department, was authorized to attend the Civilian Defense School at Edgewood Arsenal, Md., from September 22nd. to October 4th., the estimated cost of expenses of Mr. Munday to this School, being estimated at \$75.00, to be absorbed in the Fire Department Budget.

RECONSTRUCTION AND MAINTENANCE OF STATE HIGHWAYS THROUGH THE CITY OF CHARLOTTE.

Councilmen Ward, Little and Painter, the committee appointed by the Mayor on September 10th., to confer with the City Manager and City Engineer and report on the City Manager's recommendation that the State be permitted to let contracts for resurfacing state highways; resurfacing county road extensions and construction in the replacement of certain pavements, all within the city limits, met with Mr. H. M. Burgin, District Engineer, and Mr. L. W. Peck, Division Engineer for the State Highway Commission, and this committee unanimously recommends that this work be done by the State Highway Commission, the amount not to exceed \$37,500.00, leaving approximately \$13,667.80 for general maintenance work on highway routes within the city and county road extensions within the city. The committee further recommends that the City Manager request that Route No. 49 be extended through Tryon Street, with trucks to be routed over Dalton Avenue and Graham Street to Morehead Street.

On motion of Councilman Albea, seconded by Councilman Slye, the recommendation of this committee was adopted.

PURCHASE OF N.C. HIGHWAY BOND.

It was moved by Councilman Little, seconded by Councilman Hovis and carried, that the City Treasurer be authorized to purchase One \$1,000.00 North Carolina Highway registered 4-3/4% Bond, due 1-1-42, at a price to yield 1/2 of 1%.

COMMITTEE APPOINTED IN CONNECTION WITH TAX FORECLOSURE SETTLEMENT ON PHIFER PROPERTY.

Councilman Ross, Chairman of the Finance Committee, stated that the City and County had jointly foreclosed on 43 lots on 15th., 16th., 17th., 18th. and 19th. Streets, belonging to the Phifer estate, and he asked that a committee be appointed, with power to act, regarding a settlement with the County in connection with

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this matter, a like committee to be appointed by the Board of County Commissioners.

Councilman Ross then moved that this committee be appointed, which was seconded by Councilman Slye and carried.

The Mayor appointed Councilmen Ross and Hovis to serve on this committee, and Mayor Pro Tem Albea appointed the Mayor to also serve with this committee.

COMFORT STATIONS AND EQUIPMENT FOR WAR MANEUVERS.

Mr. Ledbetter reported in connection with preparations being made to take care of the soldiers coming into Charlotte during the War Maneuvers, that the filling stations in Charlotte have agreed to cooperate in the use of their toilet facilities by remaining open on Saturday night and Sunday; also that the Independence Trust Company had likewise agreed to keep their entire facilities open on Saturday afternoons, nights and Sunday, as did also Mr. E. D. Latta.

On motion of Councilman Albea, seconded by Councilman Little and unanimously carried, an expenditure of \$900.00 was authorized from the Emergency Fund for installation and equipment of comfort stations on the lot on South Mint Street, opposite the Post Office, owned by Joe Blythe; the use of the lot to be furnished without cost.

REQUEST OF PARK AND RECREATION COMMISSION.

A request from the Charlotte Park and Recreation Commission, for an appropriation of \$300.00 to furnish police protection at the thirty-three foot-ball games to be played in the Stadium during the coming season, was presented; a like amount to be asked from the County Commissioners.

On motion of Councilman Albea, seconded by Councilman Ross, this was referred to the Police and Fire Committee to make report on.

CEMETERY DEEDS.

On motion of Councilman Albea, seconded by Councilman Price, the following cemetery deeds were approved:

J. N. and Ina Leake Calder, Lot No. 209, Section "Y"	\$35.00
Transfer of N.W. 1/4 of Lot No. 57, Section "X" with perpetual care, from Mrs. Myrtle Beardsley to Mrs. Jean Drye Bungardner	1.00

ADJOURNMENT.

On motion of Councilman Albea, the meeting adjourned.

COUNCIL IMMEDIATELY RECONVENED.

After adjourning, the Mayor called the Council back into the Council Chamber, and on motion of Councilman Albea, seconded by Councilman Slye, the motion to adjourn was rescinded and the Council reassembled.

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REQUEST OF PARK AND RECREATION COMMISSION FOR POLICE PROTECTION DURING FOOTBALL GAMES GRANTED.

Mr. Marvin Ray, Supt, of the Charlotte Park and Recreation Commission, having advised the Council of the necessity for immediate action in connection with the request made earlier in the meeting for police protection at the Stadium during football games, the Council reconvened for the purpose of acting upon this request.

Thereupon, Councilman Beasley, seconded by Councilman Ward, moved that the request of the Park and Recreation Commission be granted and that the sum of \$300.00 be appropriated from the Emergency Fund for police protection during the season's football games in the City of Charlotte. This motion unanimously carried.

CHURCH

REQUEST FOR ARMORY DATE BY COLORED ~~XXXXXXXXXXXX~~ CHANGED.

Rev. Hogue, of the Ministerial Alliance, appeared before the Council at this time and asked that the date of October 2nd. for the Armory, which had previously been reserved, be changed to October 21st., without additional requirement of deposit. This date was made for the purpose of having a program to raise funds for the support of a Bible teacher in the colored schools and the leader was unable to come to Charlotte on the time scheduled. This transfer of dates was requested.

On motion of Councilman Hovis, seconded by Councilman Slye, the first deposit made by the above, for October 2nd., is to be transferred to the date of October 21st.

ADJOURNMENT.

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

Alice B. McConell
City Clerk