

SPECIAL MEETING  
September 6, 1941  
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A special meeting of the City Council was held in the Council Chamber, City Hall, at 10 o'clock A. M., Saturday, September 6, 1941, due notice having been sent to each and every Councilman as required by law. Mayor Currie presided and the following Councilmen were present: Baker, Beasley, Daughtry, Hovis, Painter, Price and Ross.

Absent: Councilmen Albea, Little, Slye and Ward.

PURPOSE OF MEETING.

The Mayor announced that this meeting had been called for the purpose of considering a request of the Government for a bridge across Fordson Avenue, between Lucena Street and Hutchison Avenue, and also, to consider a request from the Government to construct a sewer line from Statesville Avenue to Lucena Street.

READING OF MINUTES OF REGULAR MEETING DEFERRED.

On motion of Councilman Ross, seconded by Councilman Price, the reading of the minutes of the regular meeting of September 3rd., was postponed until the next regular meeting.

RESOLUTION AUTHORIZING U. S. GOVERNMENT TO DO CERTAIN WORK ON FORDSON AVENUE.

The Mayor called upon the City Manager to explain the purpose of the work in question; Mr. Ledbetter went into the matter quite fully, after which the following resolution was presented:

RESOLUTION AUTHORIZING U. S.  
GOVERNMENT TO DO CERTAIN WORK ON FORDSON AVENUE.

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WHEREAS, the U. S. Government owns a Quarter Master Depot south of Fordson Avenue and finds it necessary, in the public interest, to construct a sidetrack from said Quarter Master Depot across Fordson Avenue for the purpose of making connection with the Southern Railway and, whereas, the Government desires that the City grant it permission to do this work and the City is willing to grant the permission upon the terms hereinafter stated;

NOW, THEREFORE, BE IT RESOLVED that the Acting City Manager be, and he is, authorized to grant to the U. S. Government permission to do such excavation as may be necessary for the purpose of constructing the aforesaid sidetrack through and across Fordson Avenue, and to construct, maintain and operate the said sidetrack through and across said Avenue, provided the Government meets and complies with the following conditions:

1. It shall agree to construct across the said sidetrack along Fordson Avenue a reinforced concrete bridge 40 feet wide with a 30 foot roadway and two 5 foot sidewalks equipped with proper guard rails, the plans and specifications for the said bridge to be first approved by the City Engineer, it being understood that the Government shall also be required to establish the amount of clearance between the track and the bridge which the City Engineer prescribes, and shall be required to establish the grade for the approaches to the bridge which the City Engineer shall prescribe.

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- (b) Names and addresses of its principal officers and all promoters connected or to be connected with the proposed solicitation.
- (c) The purpose for which such solicitation is to be made and the use or disposition to be made of any receipts therefrom.
- (d) The name of the person or persons by whom the receipts of such solicitation shall be disbursed.
- (e) The names and addresses of the person or persons who will be in direct charge of conducting the solicitation.
- (f) An outline of the method or methods to be used in conducting the solicitations.
- (g) The time when such solicitations shall be made, giving the proposed dates for the beginning and ending of such solicitations.
- (h) The amount of any wages, fees, commissions, expenses or emoluments to be expended or paid to any one in connection with such solicitation, together with the manner in which such wages, fees, commissions, expenses or emoluments are to be expended, to whom paid and the amount thereof.
- (i) A financial statement for the last preceding fiscal year of any funds collected for the purposes named in the application by the organization or persons seeking the permit; said statement to give the amount of money raised, together with the cost of raising it and the details of the distribution thereof.
- (j) A full statement of the character and extent of the charitable, educational or philanthropic work being done by the applicant within the City of Charlotte.
- (k) A statement of the estimated cost of conducting the proposed campaign of solicitation.
- (l) A statement to the effect that if a permit is granted, it will not be used or represented in any way as an endorsement by the Commission, the City, the governing body of the City, or by any employee thereof.
- (m) Such other information as may be required by the Commission in order to enable him to determine the kind and character of the proposed solicitation.

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Section 6. Filing false application; Violation: It shall be a violation of this ordinance for any person knowingly to file, or cause to be filed, an application containing one or more false statements.

Section 7. Investigations by Commission; granting or withholding of permits. When an application for a permit is filed, the Commission shall make such investigation as it sees fit and if it finds that the proposed solicitation is to be for a bona fide charitable, patriotic, educational or philanthropic purpose, that the organization for which the solicitation is to be conducted is, and the disbursement of the funds raised by the solicitation will be, under the control and supervision of responsible and reliable persons, and that the cost of raising the funds and all expenses incident to the solicitation (including all fees and commissions paid or to be paid to the promoter or promoters of the same) will not exceed 25% of the total amount to be raised, then, and in that event, the Commission shall authorize the City Clerk to issue to the applicant a permit to solicit for the purpose named in the application, but, failing to so find, the Commission shall reject the application; if the Commission rejects an application, written notice to that effect shall be given the applicant with an opportunity to appear before the Commission and to present such evidence in support of his application as may be relevant. If the Commission authorizes the issuance of a permit it shall determine the period for which the permit shall run not to exceed ninety days from its date, provided that upon a further application the Commission may, after such investigation as it sees fit, determine that it is in the public interest to extend the term of a permit, in which event an extension of the permit may be authorized up to but not exceeding ninety additional days. The City Clerk shall issue such permits and extensions as the Commission shall authorize.

Section 8. Fee: At the time when a permit is issued, there shall be paid to the City Treasurer the sum of \$3.00 as a permit fee and the sum of 2¢ for each facsimile copy of the permit that is desired.

Section 9. Permits non-transferable; copies furnished solicitors. Any permit approved and issued under this ordinance shall be non-transferable, provided, however, that this shall not prevent any permittee from using any number of solicitors and representatives as shall be reported to the City Clerk and, provided further, that the permittee shall furnish to each of its agents, employees or representatives making any solicitations a facsimile copy of the permit which shall be carried by all such agents, employees or representatives making solicitations at the time or times when solicitations are being made.

Section 10. Representation of endorsement by City forbidden. It shall be unlawful for any permittee or for any agent, employee or representative thereof to advertise, represent or hold out in any manner that said permit is an endorsement of the holder thereof by the governing body of the City of Charlotte or any employee thereof, or by the City of Charlotte; provided that it shall be lawful for a permittee to use, advertise or hold out the fact of its permit in the following words and no others: "Charities Solicitations Permit No. \_\_\_\_\_", including in the blank space the serial number of the permit.

Section 11. Permits revoked; procedure. If, upon the receipt of written information or upon its own investigation, the Commission shall find that any officer, agent or representative of a permittee is misrepresenting facts or making untrue statements, or has misrepresented facts or made untrue statements, with regard to solicitations or the purposes thereof, or has made any untrue statements in the application, or that in any other way the solicitation has been conducted, or is being conducted, in violation of any part of this ordinance and not in conformity with the intent and purpose of this ordinance, then the Commission shall notify the City Clerk, who shall immediately revoke and cancel such permit; provided, however, that before any permit is revoked, the City Clerk shall mail to the permit holder a notice that a hearing is to be had before the Commission, and such notice shall be mailed at least twenty-four hours before said hearing, and

at said hearing the Commission shall ascertain the facts, and if any reason or reasons above set forth for revoking the permit are found to exist, the permit shall be revoked.

Section 12. Each violation a separate offense. Each violation or act done in violation of this ordinance shall be deemed a separate offense hereunder.

Section 13. Part of ordinance invalid, balance in force. If any clause, sentence, paragraph or part of this ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 14. Conflicting ordinances repealed. All ordinances and clauses of ordinances in conflict herewith are hereby repealed.

Section 15. Publication of ordinance. The City Clerk shall certify to the passage of this ordinance and cause the same to be published.

Section 16. Effective date. This ordinance shall take effect from and after its passage.

Read, approved and adopted on three readings, this the 3rd day of September 1941.

Alice B. McConnell  
City Clerk

APPROVED AS TO FORM:

C. W. Tillett  
City Attorney

RESOLUTION RELATIVE TO PARK AND RECREATION COMMISSION.

Moved by Councilman Ross, seconded by Councilman Albea and unanimously carried, that the following Resolution be adopted:

RESOLUTION  
AUTHORIZING THE PARK AND RECREATION  
COMMISSION TO GRANT AUTHORITY TO THE  
AMERICAN TELEPHONE AND TELEGRAPH COMPANY  
TO INSTALL CERTAIN UNDERGROUND STRUCTURES  
IN REVOLUTION PARK.

RESOLVED: That the Charlotte Park and Recreation Commission be, and it is, authorized, upon such terms and conditions as it sees fit, to grant authority to the American Telephone and Telegraph Company, its associated and allied companies, their successors and assigns, to construct, reconstruct, operate, maintain and remove an underground conduit run and communication systems upon, across, over and under Revolution Park.

APPROVED AS TO FORM:

C. W. Tillett  
City Attorney

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AMENDMENT TO TRAFFIC ORDINANCE.

Upon motion of Councilman Beasley, seconded by Councilman Slye in each instance, the following amendment to the Traffic Ordinance, was unanimously adopted on three readings, and declared by the Mayor to be an ordinance of the City of Charlotte:

AN ORDINANCE  
AMENDING TRAFFIC ORDINANCE ADOPTED JAN. 10, 1940.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE,  
N.C.:

Section 1. That the Traffic Ordinance adopted Jan. 10, 1940 be, and the same hereby is, amended as follows:

- (1) Add the following at the end of Section 20(b):

"The City Traffic Engineer shall establish and maintain all signs and signal control devices authorized or provided for by this Ordinance or from time to time authorized or ordered by the Council."

- (2) Strike from Section 25(d) the following:  
"Red with green arrow. 1. Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow, but shall not interfere with other traffic", and substitute therefor the following:

"Red with sign attached 'Stop. Right Turn on Red'."

1. Where a traffic control signal has attached to it a sign reading substantially as follows:  
"Stop. Right Turn on Red" vehicular traffic facing such signal may, after first coming to a full stop, but not otherwise, cautiously enter the intersection and make the movement indicated by the said sign, but shall not interfere with other traffic.

- (3) During the period from 7 A.M. to 6 P.M., no persons shall stop, stand or park a vehicle for any purpose or period of time, other than for the expeditious loading or unloading of passengers, or for the expeditious unloading and delivery or pick-up and loading of materials on any part of Second, Third, Sixth or Seventh Streets that lies between Church and College Streets, or on any part of Church and College Streets that lies between Second and Fifth Streets, it being the purpose and intent of this section to place the above described portions of said streets under Schedule 5 as contained in the Traffic Ordinance adopted Jan. 10, 1940.

- (4) When signs are erected giving notice thereof, vehicular traffic shall proceed only in a westerly direction on that portion of Fourth Street between Brevard and Mint Streets, and vehicular traffic shall proceed only in an easterly direction on that portion of Fifth Street between Graham and Brevard Streets, it being the purpose and intent of this

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section to include the above described portions of the aforesaid streets in Schedule 6 provided for by Section 43 of the Traffic Ordinance adopted Jan. 10, 1940.

- (5) Add a new section to the aforesaid Ordinance to be numbered 68 as follows:

68. Whenever a traffic situation arises at the intersection of Trade and College Streets, or Church and Trade Streets of such nature that left turns by vehicles will cause traffic congestion and immediate action is necessary in order to keep the intersection clear for the passage of traffic and for the protection of both vehicular traffic and pedestrians in the interest of public convenience and safety, the police officer or officers stationed at either of the aforementioned intersections may set up a sign or signs prohibiting left turns at the intersection where the sign is placed, and after the setting up of such signs and during the time that these signs remain so set up, it shall be unlawful for the operator of any vehicle to make a left turn at such intersection.

- (6) Add a new section to the said Ordinance, to be numbered 69, as follows:

69. It shall be unlawful for any pedestrian to cross Tryon Street between the southern boundary of Fourth Street and the northern boundary of Fifth Street or cross Trade Street between the eastern boundary of College Street and the western boundary of Church Street at any place except at marked cross-walks at intersections. The City Traffic Engineer shall, at all times, maintain markings for the said cross-walks.

- (7) Add a new section to the said Ordinance, to be numbered 70, as follows:

70. (a) It shall be unlawful for vehicular traffic to make either right or left turns at the intersection of Trade and Tryon Streets, except that public service busses on regular routes approved by the City Council to and from stated sections of the City and its environs may make such turns.

(b) It shall be unlawful for vehicular traffic to make either right or left turns at the intersection of Tryon and Fourth Streets, and at the intersection of Tryon and Fifth Streets, except that trucks carrying shipments of money to and from banks, and mail trucks on regular collection routes, may make right turns at such intersections.

Section 2. All Ordinances and clauses of Ordinances in conflict herewith are hereby repealed.

Section 3. The City Clerk shall certify to the passage of this ordinance and cause the same to be published as required by law.

Section 4. This Ordinance shall take effect from and after its passage.

APPROVED AS TO FORM:

C. W. Tillett  
City Attorney

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After the adoption of the above ordinance, the following resolution was offered by Councilman Beasley, seconded by Councilman Slye and carried:

RESOLUTION  
DESIGNATING INTERSECTIONS AT WHICH RIGHT TURNS  
MAY BE MADE ON RED LIGHTS.

RESOLVED that the City Traffic Engineer be, and he hereby is, authorized and directed to attach to the traffic control signal devices located at the intersections hereinafter named signs substantially as follows: "Right Turns on Red", and also to mark the pavement at the said intersections to the same effect:

Fourth Street and Caswell Road  
Fourth Street and Hawthorne Lane  
Elizabeth Avenue and Hawthorne Lane  
Morehead and Graham Streets  
Mint and Morehead Streets  
Summit Avenue and Morehead Street  
Plaza and Central Avenue, right turn into Central Ave.  
East Boulevard and South Boulevard  
Providence Road and Queens Road  
West Trade and Cedar Streets  
West Trade and Irwin Avenue  
Eleventh Street and Tryon Street  
McDowell Street and Fourth Street  
Morehead Street and South Boulevard, right turn into  
South Boulevard.

APPROVED AS TO FORM:

G. W. Tillett  
City Attorney

MOTION REGARDING SMOKE ABATEMENT ENGINEER.

The following motion was offered by Councilman Beasley:

"Moved that the services of E. F. Monroe as Smoke Abatement Engineer, be dispensed with effective September 17, 1941, and that the Acting City Manager be, and he is, directed to carry this motion into effect, being authorized, if he sees fit to do so, to allow the said Monroe a vacation of two weeks prior to the date when his employment is terminated." Motion seconded by Councilman Baker.

Councilman Hovis offered a substitute motion that action on this matter be deferred one week in order that the Council members might inform themselves on the subject. Motion failed to carry, Councilman Hovis, Ward, Albea voting against the motion. The vote on the original motion showed seven affirmative and three negative votes, and the Mayor declared the original motion carried.

STREET LIGHT AT HEMPSTEAD PLACE.

The request for installation of a street light in the 600 block of Hempstead Place was referred to the City Manager for recommendation.

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REPORT OF COMMITTEE ON REQUEST OF WILDLIFE CLUB.

Councilman Slye, Chairman of the committee to make investigation regarding request of the Wildlife Club for assistance in building a lake, reported that the committee had asked the officials at the Quartermaster Depot to put the dirt from the excavation work being done at their plant, next to the highway in order that it can be used for this purpose if desired, and that if the lake is not made, the dirt will be of benefit in other ways. No further report to make at this time regarding same.

COMPLAINT OF A.M.E. ZION CHURCH HANDLED.

Councilman Beasley reported that he and Chief Joyner had called on the owners of the cafes in the vicinity of the A.M.E. Zion Church, on which complaints were registered at the last meeting of the Council, and that the cafe owners, both white and colored, had agreed to see that noise was kept down during church hours; but that since that time the negro cafe had been closed due to the fact that liquor was found therein.

He advised that no action was taken with regard to the request of this same church for traffic light at that point.

COMMITTEE ON CITY MANAGER NO REPORT.

The committee appointed to select a new City Manager had no report to make at this time.

COMMITTEE ON DELINQUENT TAXES AND STREET ASSESSMENTS.

Report of the Committee from the City Council on Delinquent Taxes and Street Assessments, reported that the committee had met with the committee from the County and representatives from other towns, in an effort to work out something and that the committee planned to visit other towns and get their workings before making report; that the committee would probably go to Winston-Salem and Greensboro and then have another meeting on Friday with the Attorneys for the City and County.

COMMITTEE TO REPORT WITH REGARD TO REQUEST OF MRS. SARAH ROSS HOUSER.

Councilman Slye reported that the committee appointed to go into the request of Mrs. Sarah Ross Houser relative to her dismissal from the Domestic Relations Court, would hold a joint meeting with the County Commissioners before making a definite report.

PURCHASE OF DOORS AND FRAMES FOR ARMORY-AUDITORIUM.

Moved by Councilman Ward, seconded by Councilman Albea, and carried, that four exit doors of Fenestra Light Industrial Type, complete with metal frames and panic bolts, be purchased from the lowest bidder, the Southern Engineering Company, Charlotte, N. C., at a net delivered price of \$630.00, and that the Mayor and Clerk sign the contract.

The following bids were received on this equipment;

Southern Engineering Co.	\$630.00
Masker Bros. Iron Co.	738.00
Mecklenburg Iron Works, Inc.	957.00

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Baker, the Mayor and Clerk were authorized to sign a contract with the same company, American Investment Company, for extension of a sanitary sewer in Lynway Drive, from Cumberland Avenue 670 feet towards Flora Avenue, to serve fourteen lots on which it is proposed to construct houses. The same terms to be followed as above, namely, the American Investment Company to post certified check for the total amount of the cost of the work, estimated at \$674.85, which will be refunded when as many as four houses are connected to the sewer.

SANITARY SEWER IN BROWN, MORROW AND STONEWALL STREETS.

Upon motion of Councilman Baker, seconded by Councilman Albea, authority was given for the extension of an 8" sanitary sewer in Brown Street, South Morrow Street and East Stonewall Street, from Watts Street to near South Morrow Street, north from East Stonewall Street, to serve fourteen houses already built, in order to abolish outdoor toilets. Estimated cost of this work is \$681.73.

ENTRANCE TO INCINERATOR PAVED.

The City Manager reported that the Street Department had paved the entrance to the Incinerator, using 50 tons of asphalt at \$6.45 per ton, making a total cost of \$322.50, expecting this to be charged to Street Improvement Bond Fund; but that the City Attorney had ruled that this could not be charged to the Bond Fund and no provision was made for it in the regular budget. Upon motion of Councilman Albea, seconded by Councilman Baker and carried unanimously, the payment of this cost was authorized to be made from the Emergency Fund.

REPAIRS TO COAL TRESTLE AT SEIGLE STREET SIDING.

Upon motion of Councilman Albea, seconded by Councilman Baker, the sum of \$419.69, representing cost of repairs to the coal trestle at the Seigle Street Siding, was ordered to be paid from the Emergency Fund. Under the terms of the contract covering the erection of this trestle the City is to keep same in safe condition at all times.

PAVING 18TH. STREET TO TECH HIGH SCHOOL.

Mr. Ledbetter, City Manager, reported that at the Council meeting of August 27th., the matter of paving 18th. Street, from Pegram Street to Tech High School, was referred to the City Manager for a ruling from the City Attorney, as to whether the work could legally be done, and that Mr. Tillett reports that the Charter, Section 52, makes it mandatory upon the City to require abutting property owners to pay the entire cost of permanent improvements, except certain portions thereof which may be chargeable to streets or public alley intersections, and that the petitioners will be so advised.

REQUEST FOR PURCHASE OF BROCHURES DENIED.

In connection with the request of the Charlotte News that the City purchase 2000 copies of the brochure prepared by them, Mr. Ledbetter advised that the City and County Attorneys had ruled that these brochures could not be purchased by the City or the County.

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SPECIAL POLICE OFFICER PERMIT.

Upon motion of Councilman Ross, seconded by Councilman Baker, Henry S. Freeman was appointed Special Officer on the premises of the Wm. Muirhead Construction Company's job at the Quartermaster Depot.

LONG TERM PLANNING.

City Manager Ledbetter reported that a letter had been prepared and sent to all Department Heads, calling on them to prepare a report of operations and expenditures for the last ten years, and to estimate what they think will be necessary for the next ten years in order to render the best service possible to the citizenship of Charlotte and to take care of anticipated growth. And that the City has the opportunity at this time of securing assistance from the Public Works Reserve in making this survey without cost to the City. He stated that a repliminary survey will be submitted to the Council when completed, which will not obligate the City in any way.

CHANGE OF GRADE OF RAILROAD TRACKS ON DALTON AVENUE.

In order to get the State Highway Department to open and pave Dalton Avenue from North Tryon Street to Statesville Avenue, it was necessary for the City to agree to secure the necessary rights of way. The land for these rights of way was given to the City but it now becomes necessary for the spur track of the Southern Railway to be raised to conform with the grade of this street, which is estimated to cost approximately \$720.00. The Southern Railway will permit the Street Department to do the necessary grading and allow credit for the work, which will bring the amount down to a little less than \$720.00.

On motion of Councilman Slye, seconded by Councilman Baker, authority was given for the payment of an amount not to exceed \$720.00 to the Southern Railway from the Emergency Fund upon presentation of invoice, checked and approved by the City Engineer.

EMPLOYMENT.

The City Manager reported that Edward Patterson (colored) had been employed as a laborer to replace Wash Culver, deceased, in the Sewer Maintenance Department. Also, that Henry McCall had been employed as an additional truck driver in the Street Maintenance Department.

BUDGET STATEMENT.

Copy of Statement of Uncollected Taxes for the week ending August 28, 1941, was furnished each member of the Council.

LEAVE OF ABSENCE FOR OFFICER L. W. HENKLE TO ATTEND TRAFFIC SCHOOL.

Upon motion of Councilman Beasley, seconded by Councilman Hovis, and unanimously carried, Mr. L. W. Henkle was granted a leave of absence of one year from the Police Department, with pay, to permit him to take advantage of a scholarship at Northwestern University, Evanston, Ill., in traffic handling.

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CEMETERY DEEDS.

It was moved by Councilman H<sub>o</sub>vis, seconded by Councilman Ward and carried, that the following cemetery deeds and perpetual care agreements be issued:

E. R. Higdon, Lot No. 26, Section G-Annex, Elmwood Cemetery	\$155.50
Perpetual Care on same	110.75

Transfer of Lot No. 104 Section "U" from J. M. Harry & Co., to J. A. Yarborough	1.00
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Deed to be issued to Mary Culver, widow of Wash Culver, as per authority of the City Council at previous meeting.	No charge.
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ADJOURNMENT.

Upon motion of Councilman Daughtry, seconded by Councilman ~~Fr~~inter, the meeting adjourned.

Alice B. McConell  
City Clerk