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The regular weekly meeting of the City Council was held at 11 o'clock A. M., instead of the regular meeting hour, on Wednesday, September 4, 1940, due notice of said change having been sent to each and every Councilman. Mayor Douglas presided and the following members were present: Councilmen Albea, Baxter, Hovis, Huntley, Ward and Wilkinson.

Absent: Councilmen Britt, Hudson, Little, Nance and Sides.

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MINUTES NOT READ.

On motion of Councilman Albea, duly seconded by Councilman Huntley and carried, the reading of the minutes of two previous meetings were dispensed with at this time.

PETITION FOR WORK ON GIBSON STREET.

Mrs. W. W. James presented a petition signed by a number of residents of Gibson Street, asking that something be done to improve the condition of this street; also to that part of Parkway from the Tuckasegee Road north to the P & N tracks, stating that new homes are being built in this vicinity and that cars have a hard time getting in and out on account of the holes in these streets. She also asked that a street light be put at this intersection.

On motion of Councilman Hovis, seconded by Councilman Ward and unanimously carried, this was referred to the City Manager and to the Engineering Department.

REFUND OF TAXES TO HORNETS NEST POST NO. 9, AMERICAN LEGION.

Mr. Oliver Litaker appeared on behalf of Hornets Nest Post No. 9, American Legion, asking for refund of taxes on property purchased by the Post for a recreation park, and which in turn was sold by the Post to the Washington Senators as a ball park; the new purchasers requesting that the 1939 taxes be paid by the Legion before purchase was consummated. He advised the Council that the last session of the Legislature excluded property owned by the Legion, as well as churches and other similar organizations, from taxes, and that under this Act the County Commissioners had refunded the county tax on this property. He stated that the City taxes, in the amount of \$80.00 odd dollars was paid under protest, and he now asked this refund.

On motion of Councilman Baxter, seconded by Councilman Ward and unanimously carried, the request for refund of the above taxes was granted.

COLORED COMMUNITY CRUSADERS GRANTED USE OF ARMORY AUDITORIUM OCTOBER 6th.

On motion of Councilman Albea, seconded by Councilman Huntley and carried, the Community Crusaders, a colored organization, was granted the use of the Armory-Auditorium on Sunday afternoon, October 6th. without charge, for a program starting their fall campaign to raise funds to carry on their work against crime among the colored race.

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PURCHASE OF WATER PIPE JOINT MATERIAL.

Bids having been received on one car (20 tons) of Water Pipe Joint Material for use in water maintenance and construction, as follows:

Grinnell Company	\$3,445.20
Joseph G. Pollard Company	3,988.00

Councilman Hovis made a motion that the order be placed with Grinnell Company, the low bidder, and that the Mayor and Clerk be authorized to sign the contract in the amount of \$3,445.20, which motion was seconded by Councilman Wilkinson and unanimously carried.

TILE FLOORS FOR FIRST FLOOR CITY HALL TO BE LAID BY EDWIN C. BOYETTE, JR.

Mr. Armstrong, City Manager, reported that bids have been received on Asphalt Tile to be used in repairing and reconditioning the first floor of the City Hall building, approximately 4,600 square feet, and said bids received on this work were as follows:

Edwin C. Boyette, Jr.	\$ 739.00
Renfrow Tile & Marble Co. Inc.	748.00
Bost Building Equipment Co.	790.00
R. P. Steffey Company	935.00
Atlantic Marble & Tile Co.	1,091.00

On motion of Councilman Albea, seconded by Councilman Baxter and unanimously carried, contract was awarded to the lowest bidder, Edwin C. Boyette, Jr., and the Mayor and Clerk were authorized to sign same in the amount of \$739.00.

REPAIRS TO ADMINISTRATION BUILDING, MUNICIPAL AIRPORT.

Bids for stuccoing the four exterior walls of the Administration Building, Municipal Airport, with a Portland cement water-proof mixture, to correct the damp condition of water seeping through the stone structure, were as follows:

D. Draddy	\$ 550.00
C. W. Kirkland	665.00
M. P. Braswell & Son	895.75

On motion of Councilman Hovis, seconded by Councilman Albea and unanimously carried, contract for doing this work was awarded to D. Draddy, low bidder, in the amount of \$550.00, and the Mayor and Clerk were instructed to sign the contract.

BIDS RECEIVED ON AUTOMOBILE FOR GENERAL USE AT CITY HALL BUT HELD OVER.

The following bids were received on an automobile for general use in connection with the City's business at the City Hall:

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City Chevrolet Company (Chevrolet)	\$	675.00
Norfleet Motors Co. Inc. (Plymouth)		682.00
Pyramid Chevrolet Co. (Chevrolet)		720.00
Heath Motor Company (Ford)		770.00
Pettit Motor Company (Ford)		795.00
Charlotte Hudson Co. (Hudson)		818.78
Norfleet Motors Co. (Dodge)		844.00
Hoppe Motors, Inc. (Chrysler)		962.00
Lee A. Folger, Inc. (Buick convertible)		1,250.00
" " " " (Buick sedan)		990.00

After discussion, it was decided to hold this purchase over for another week and no action was taken at this time.

#### SANITARY SEWERS AND SEWER LATERALS.

The City Manager reported that request for 8" sanitary sewer mains and 4" sewer laterals, including manholes and fittings necessary, had been received as the City's share in connection with the widening and opening of East 11th. Street, as a W.P.A. project. He advised that the cost of the work will amount to \$1,600.67 and that arrangements to take care of this work was included in the Sewer Bond Funds. He recommended that these sewers and laterals be laid.

Councilman Wilkinson moved that the City Manager's recommendation be approved, which motion was seconded by Councilman Albea and unanimously carried.

#### SANITARY SEWER IN WHISNANT STREET.

On motion of Councilman Albea, seconded by Councilman Hovis, approval was given for the extension of an 8" sanitary sewer in Whisnant Street, from Bluff Street north 150 feet towards Oaklawn Avenue, to serve one house now being erected and another proposed, at an estimated cost of \$126.50.

#### SANITARY SEWER IN WEST SIDE AVENUE.

Councilman Hovis moved that the request of Mr. W. G. Shoemaker, Jr., of 700 Hawthorne Lane, for extension of an 8" sanitary sewer in West Side Avenue, from the end of the present sewer south 54 feet towards Wolfe Street, to serve one house already started, be granted. The estimated cost of this work is \$44.55. Motion seconded by Councilman Albea and unanimously carried.

#### REPORT OF CITY MANAGER IN CONNECTION WITH CARS USED BY DOMESTIC RELATIONS COURT.

The City Manager reported relative to the new car for the Domestic Relations Court, which matter was referred to Mr. Fogus at the last Council meeting, that it is the plan of Mr. Fogus to replace both of the cars now used by the Domestic Relations Court, one of which will be a new car and the other a car of later model than the ones now used, which car will be taken out of service from another department. Also, that upon investigation it was found that one of the cars used by the Domestic Relations Court is driven approximately four times the distance in a year's time as the other car. In view of this, it is the opinion of Mr. Fogus

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that the new car should be placed where the greater service is required.

REQUEST OF MR. THOMPSON DANIEL, HOLDING POWER OF ATTORNEY FOR OAKLAWN CEMETERY PROPERTY, REFERRED TO COMMITTEE.

In March 1940 the City Council entered into an agreement with Oaklawn Cemetery, Inc. whereby street assessments and taxes on Oaklawn Cemetery might be paid at regular intervals. Mr. Thompson Daniel, stating that he held power of attorney for all of the said property, posted a certified check for \$1,000.00 with the Collector of Revenue, as evidence of good faith to work out said agreement, but it later developed that the title to the major part of Oaklawn Cemetery was vested in the City of Charlotte, the property having been foreclosed for street assessments. Therefore, Mr. Daniel's power of attorney was null and void insofar as said property was concerned. Mr. Daniels is now requesting that the \$1,000.00 check be returned to him. Mr. Armstrong stated that if this check is returned to Mr. Daniels that some definite action should be taken with reference to a final understanding between the City and Oaklawn Cemetery, Inc.

A letter was read from Mr. John Shaw, of Whitlock, Dockery and Shaw, attorneys for Mr. Misenheimer, of Oaklawn Cemetery, Inc., requesting that this check not be returned to Mr. Daniel at this time, and the City Attorney advised that it not be returned until all legal entanglements were straightened out.

Councilman Wilkinson made a motion that the committee appointed some time ago to handle the matter between the City and the Cemetery Co. be instructed to proceed immediately to investigate and report back next Wednesday their recommendation in this matter and that no money be refunded until after this investigation. Motion seconded by Councilman Ward and unanimously carried.

A discussion then followed as to the City taking over this property.

LEAVE OF ABSENCE GRANTED OFFICER JOHN CRAIG.

On motion of Councilman Baxter, seconded by Councilman Albea and carried, Mr. John Craig, of the Police Department, was granted a year's leave of absence from the Department in order to report for National Guard duty on September 15th. It was understood that all leaves of absences of this nature will be granted.

SPECIAL OFFICER PERMITS.

On motion of Councilman Wilkinson, seconded by Councilman Huntley, the following special officer permits were granted:

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Joseph W. Stewart, of 2910 Plaza Road, for use on premises of Swinson Food Products, 604 S. Church St.

Alvin Poteat, 3709 Oakwood Ave.  
Joseph A. Current, 2024 N. Brevard St. and  
Grady Murphy, 810 N. Brevard St., all for use on premises of Larkwood Silk Hosiery Mills, Inc.

B. M. Little, Hammett Ave.,  
H. J. Baker, Providence Road,  
J. B. Reeves, 1929 Ewing Ave., and  
D. D. Davis, 813 East 7th St., all for use on premises of Southern Bell Telephone Company.

All of the above applications were approved by the Chief of Police.

REQUEST OF LEROY DULIN FOR PURCHASE OF HOUSE ON OAKLAWN AVENUE REFERRED TO CITY MANAGER AND COLLECTOR OF REVENUE.

An offer having been received from Mr. LeRoy Dulin, real estate agent, to purchase a house at 1101-03 Oaklawn Ave., setting forth the price he would be willing to pay and the terms under which payment would be made, Councilman Albea made a motion that the matter be referred to the City Manager and the Collector of Revenue to investigate as to the value of the property and as to whether the offer made was a fair price for same. Motion seconded by Councilman Wilkinson and unanimously carried.

RESOLUTION RELATIVE TO CHARLOTTE MEMORIAL HOSPITAL.

On motion of Councilman Wilkinson, seconded by Councilman Albea, the following resolution was unanimously adopted:

WHEREAS, the City of Charlotte has been advised by the Acting Director, Projects and Statistics Division, Federal Emergency Administration of Public Works, by letter dated August 27th. 1940, that the present construction schedule of the Charlotte Memorial Hospital has been revised so as to extend the time of completion of the project to February 16, 1941, upon the condition that the applicant, City of Charlotte, North Carolina, agree to reimburse the Government of the United States for such expenses, incurred by the Government after July 31, 1940, as, in the determination of the Commissioner of Public Works, are reasonably chargeable to the project, and upon the further condition that no part of such amount to be reimbursed to the Government shall be included in the project costs upon which the amount of the grant shall be computed;

NOW, THEREFORE, be it resolved and ordained, that the City of Charlotte comply with such conditions and reimburse the Government for such expenses; and that the City enter into an agreement with the Government to that effect.

Mr. Scarborough explained that the above was in connection

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with the expense of inspecting and auditing of the project of additional wings for the Nurse's Home and that the Hospital Association had agreed to take care of such expenses as they become payable by turning over to the City of Charlotte sufficient sums to pay same.

CEMETERY DEEDS.

On motion of Councilman Wilkinson, seconded by Councilman Alba the following cemetery deeds and perpetual care agreements were approved:

Mrs. A. B. Justice, Lot No. 39, Section "Y", Elmwood Cemetery	\$63.00
Mrs. J. A. Link, Perpetual care on N.W. 1/4 Lot 64 "M"	36.00
Mrs. C. A. Neely, " " " S.W. 1/4 " " "	36.00

ADJOURNMENT.

On motion of Councilman Baxter, the meeting then adjourned.

Alice B. McCowell  
City Clerk