

May 26, 1937
Page 159.

The regular meeting of the City Council was held in the Council Chamber, City Hall, at 4:00 o'clock P. M., Wednesday, May 26, 1937, with Mayor Pro Tem Albea presiding and Councilmen Baxter, Durham, Griswold, Hovis, Hudson, Huntley, Little, Nance, Sides and Wilkinson present.

Absent: Mayor Douglas.

APPROVAL OF MINUTES.

On motion of Councilman Baxter, seconded by Councilman Hovis, the minutes of the May 19th. meeting were approved as read.

MECKLENBURG COUNTY DRAINAGE COMMISSION.

Dr. G. I. Alexander, Chairman of the Mecklenburg Drainage Commission, appeared before the Council requesting a Committee be appointed by the Council to work in cooperation with the Commission and the County Commissioners to see how the work of draining the creeks within the City of Charlotte can be done, the Legislature having passed an act allowing the Commission to drain the creeks without a petition from the property owners.

After discussion, Councilman Wilkinson, seconded by Councilman Nance and carried, moved that such a committee be appointed.

Mayor Pro Tem Albea then appointed on this Commission Councilman Durham and Baxter, but Councilman Baxter asked to be excused from serving, and Councilman Wilkinson was appointed.

BURTON SMITH REQUESTED INNOCENT AMUSEMENTS BE ALLOWED ON SUNDAYS.

Mr. Burton Smith appeared before the Council at this time, requesting that innocent amusements be allowed on Sunday afternoons in Charlotte, stating that liberalized laws would result in less trouble than now exists, and pointed to newspaper articles showing that gambling establishments are being operated within the City. He stated that the police are doing nothing regarding these places, but Mr. Marshall informed the Council that the Police Department knows of this condition and is doing all it can in view of the new law regarding search warrants.

Councilman Wilkinson stated that if these gambling joints are operating they should be handled, and a discussion was held with the City Attorney as to what the City can do regarding this situation. Mr. Marshall advised that the Police are working now to break it up and that at one place an officer is stationed there at all times.

After further discussion, no action was taken since Mr. Marshall stated the Police are doing all in their power, and the Council proceeded with other business.

May 26, 1937

Page 160.

Mr. C. A. Veach entered a protest against a certain cleaning establishment in Charlotte for ruining a hat left there by him and asked if the City could revoke the license of this concern due to their method of doing business.

The City Attorney advised that this was cause for a civil action but that the City could not revoke the license and there was nothing the City Council could do regarding the matter.

REQUEST FOR POOL TABLE LICENSE.

The City Manager reported that application had been received by the Collector of Revenue from Mr. A. L. Whipple, 3211 North Caldwell St. for a license to operate a pool table at The Dutch Lunch, which he operates. The Collector of Revenue investigated and found no objection to granting this license.

Councilman Sides moved that the matter be handled by the proper authorities if there is no objection to the place. Motion seconded by Councilman Nance and carried.

WATERPROOFING CONTRACT FOR AIRPORT ADMINISTRATION BUILDING.

On motion of Councilman Wilkinson, seconded by Councilman Baxter, the Mayor and Clerk were authorized to sign a contract with the Carolina Waterproofing Company for waterproofing the Administration Building at the Airport, at a cost of \$223.00.

Bid received from the Western Waterproofing Company was for \$487.00.

CONTRACT WITH S.A.L. RWY. COMPANY FOR REPAIRS TO SIDETRACK AT EQUIPMENT DEPOT.

On motion of Councilman Sides, seconded by Councilman Huntley, the Mayor and Clerk were authorized to sign a contract with the S.A.L. Rwy. for repairs to the siding back of the clearance line of their tracks at the Equipment Depot, in the amount of \$800.00; this amount being included in last year's budget. This is in accord with agreement between the City and S.A.L. Rwy.

FLOWER SHOW.

The City Manager presented a letter received from Mrs. E. P. Coles, President of the Garden Club, expressing appreciation for the use of the Armory-Auditorium for the Flower Show held on May 20th and 21st.

PURCHASE OF TWO PASSENGER CARS FOR WATER WORKS PROGRAM ENGINEERS.

On motion of Councilman Wilkinson, seconded by Councilman Baxter and unanimously carried, the Mayor and Clerk were authorized to sign a contract with the Pettit Motor Company for two- Sedan Type Passenger Cars for use by the Engineers in connection with the Water Works Program, at a price of \$1,335.00 for 85 H.P. cars.

Bids received on these cars were as follows:

May 26, 1937
Page 161

Pettit Motor Company, 85 H.P.	\$1,325.00
Pettit Motor Company, 60 H.P.	1,261.00
Norfleet Motors, Inc.	1,434.00
Pyramid Motors, Inc.	1,456.00
City Chevrolet Company	1,456.00

WEATHER BUREAU AT AIRPORT

On motion of Councilman Hovis, seconded by Councilman Durham and unanimously carried, the Mayor was authorized to sign contract with the United States Department of Agriculture for occupancy of space at the Municipal Airport by the Weather Bureau.

GYPSY SMITH CAMPAIGN CHECK FOR USE OF ARMORY-AUDITORIUM.

The City Manager presented a letter from the Executive Committee of the Gypsy Smith Campaign, together with a check for \$250.00 compensating the City for the expense in connection with the use of the Armory during their recent meeting.

Councilman Hudson moved that this be received and that the Council's thanks be extended to this Committee. Motion seconded by Councilman Huntley and unanimously carried.

PREPAYMENT ON TAXES - TENTATIVE RATE SET AT \$1.50.

Mr. Marshall reported that since the law provides that the City receive prepayments on 1937-38 taxes at a discount beginning June 1st. it was necessary that the Council fix a tentative rate at which these prepayments will be received, and he recommended that this rate be set at \$1.50.

Councilman Hudson, seconded by Councilman Nance, moved that the tentative rate be set at the same rate as last year, \$1.43.

After a discussion, Councilman Griswold offered a substitute motion to set the rate at \$1.50, which was seconded by Councilman Sides and the following vote recorded:

For the substitute motion: Councilmen Baxter, Durham, Griswold, Hovis, Huntley, Little and Sides.

Against: Councilmen Hudson, Nance and Wilkinson.

Mayor Pro Tem Albea declared the motion carried and the tentative rate set at \$1.50.

JOINT MEETING OF CITY COUNCIL AND COUNTY BOARD OF COMMISSIONERS.

Mr. H. W. Harkey, Chairman of the County Board of Commissioners requested that a joint meeting of the Council and County Commissioners be called for 3:00 o'clock P. M., June 2nd. in the Mayor's office, for the transaction of business pertaining to both sides, but due to the absence of Mayor Douglas, Councilman Wilkinson moved that the joint meeting be postponed until such time as is suitable to the Mayor and the Chairman of the County Board of Commissioners, which was seconded by Councilman Huntley and unanimously carried.

May 26, 1937
Page 162.

REQUEST OF SCHOOL BOARD HELD OVER.

Mr. Marshall stated that the committee had not met with regard to the request made at the previous meeting by Mr. Benoit for refund of \$3600.00 rent on school board offices, and asked that this be held over another week.

Councilman Sides made a motion that a special committee be appointed to go into this matter and report at the next meeting. Motion seconded by Councilman Durham and carried.

Thereupon, the Mayor Pro Tem appointed on this committee Councilmen Sides, Durham and Hovis.

APPOINTMENT OF MEMBER TO PARK AND RECREATION COMMISSION.

Mayor Pro Tem Albea read a letter addressed to the City Council from Mrs. E. P. Coles declining her appointment on the Charlotte Park and Recreation Commission, and called for nominations to fill this vacancy.

Councilman Baxter, seconded by Councilman Huntley, placed in nomination the name of Dr. Addison Brenizer.

Councilman Griswold, seconded by Councilman Sides, moved that the nominations be closed, and Dr. Brenizer was declared elected to the Park and Recreation Commission by unanimous vote of the Council.

Mr. E. W. Gibson, who was present, expressed his thanks to the Council for appointing him to the Park & Recreation Commission and stated he would endeavor to render the best service he could.

MR. BREVARD GARRISON RE BIDS ON AUTOMOBILES.

Mr. Brevard Garrison called attention of the Council to the small difference in his bid on automobiles and the bid of Pettit Motor Company, who had received the contract, stating that while this bid ~~was~~ came through Pettit Motor Company it really was made by Ford.

RESOLUTION TO IMPROVE WINTER STREET, EAST SIDE ONLY, WITH SIDEWALKS, CURBS AND GUTTERS.

See inserted forms

ADJOURNMENT.

After adoption of the Resolution regarding improvement of Winter Street, as per inserted forms, on motion of Councilman Sides, seconded by Councilman Huntley, the meeting adjourned.

Alice B. McConell
City Clerk

CERTIFICATE OF CITY CLERK

AS TO SUFFICIENCY OF PETITION FOR LOCAL IMPROVEMENT.

TO THE HONORABLE GOVERNING BODY OF THE
CITY OF CHARLOTTE, NORTH CAROLINA.

I HEREBY CERTIFY THAT, AS REQUIRED BY SECTION 5 OF CHAPTER
56 OF THE PUBLIC LAWS OF 1915 OF NORTH CAROLINA, I HAVE INVESTIGATED
THE SUFFICIENCY OF THE PETITION FOR THE IMPROVEMENT OF

Winter Street STREET FROM 150 feet north of Belvedere Avenue
TO north side of lot # 30, Block #14, WHICH PETITION WAS DULY LODGED WITH ME
ON THE 26th DAY OF May 1937, AND IS HERewith TRANSMITTED
TO YOUR HONORABLE BODY, AND THAT THE RESULT OF MY INVESTIGATION IS AS
FOLLOWS:

THE TOTAL NUMBER OF THE OWNERS OF THE LANDS ABUTTING UPON
THAT PART OF THE SAID STREET PROPOSED BY SAID PETITION TO BE IMPROVED
IS 5.

THE TOTAL NUMBER OF SAID OWNERS WHO SIGNED SAID PETITION IS
5 BEING MORE THAN A MAJORITY IN NUMBER.

THE TOTAL NUMBER OF LINEAL FEET OF FRONTAGE OF THE LANDS
ABUTTING UPON THAT PART OF SAID STREET PROPOSED BY SAID PETITION TO BE
IMPROVED IS 450 + 5.0. THE TOTAL NUMBER OF SAID LINEAL
FEET REPRESENTED BY SAID OWNERS WHO SIGNED PETITION IS 450 feet,
BEING MORE THAN A MAJORITY.

FOR THE PURPOSE OF SAID PETITION A MAJORITY IN INTEREST OF
OWNERS OF UNDIVIDED INTERESTS IN ANY PIECE OF PROPERTY HAVE BEEN DEEMED
AND TREATED BY ME AS ONE PERSON.

I FIND THAT THAT PART OF SAID STREET PROPOSED BY SAID PETIT-
ION TO BE IMPROVED HAS BEEN DEFINITELY LAID OUT AND THE BOUNDARIES OF
THE SAME DEFINITELY FIXED.

I FURTHER FIND THAT SAID PETITION IS IN ALL RESPECTS SUFFIC-
IENT AND IN CONFORMITY WITH ALL THE REQUIREMENTS OF CHAPTER 56 OF THE
PUBLIC LAWS OF 1915 OF NORTH CAROLINA, AS AMENDED, (ARTICLE 9, CHAPTER
56 OF THE CONSOLIDATED STATUTES).

I HAVE ATTACHED HERETO AND DULY ATTESTED A SCHEDULE SHOWING
THE NAMES OF ALL THE OWNERS OF THE LANDS ABUTTING UPON THAT PART OF
SAID STREET PROPOSED BY SAID PETITION TO BE IMPROVED AND THE LINEAL
FEET OF FRONTAGE OF THE LAND OWNED BY EACH OF THEM RESPECTIVELY
(SHOWING IN THE CASE OF ANY PIECE OF PROPERTY OF WHICH THERE ARE
SEVERAL OWNERS OF UNDIVIDED INTERESTS, THE NAMES OF SUCH OWNERS AND
THE AMOUNT OF THEIR RESPECTIVE INTEREST), AND ALSO SHOWING WHICH OF
SAID OWNERS SIGNED SAID PETITION.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED
THE SEAL OF THE CITY OF CHARLOTTE, THIS 26th DAY OF May,
1937.

Alice B. McConnell
CITY CLERK.

REGULAR MEETING OF GOVERNING BODY OF THE CITY OF CHARLOTTE.

Pro Tem

PRESENT: THE MAYOR AND COUNCILMEN, BEING ALL THE MEMBERS OF THE COUNCIL EXCEPT Mayor Douglas.

THE CITY CLERK PRESENTED A PETITION FOR THE IMPROVEMENT OF Winter Street FROM 150 feet north of Belvedere Ave. northerly to: east side only her north side of lot #30, Block #14, DULY LODGED WITH ~~HER~~ ON May 26th., 19-37,

TOGETHER WITH HIS CERTIFIED STATEMENT OF HIS INVESTIGATION OF SUCH PETITION AND RESULT AND SCHEDULE OF PROPERTY OWNERS ATTACHED THERETO, ALL OF WHICH UPON EXAMINATION WERE FOUND TO BE DULY EXECUTED AND IN PROPER FORM AND WERE, UPON MOTION DULY MADE, SECONDED AND CARRIED, ORDERED TO BE SPREAD UPON THE MINUTES AND ARE AS FOLLOWS:

THE ORIGINAL PETITION AND THE CERTIFICATE OF THE CITY CLERK AND SCHEDULE ATTACHED THERETO HAVING BEEN DULY EXAMINED BY THE GOVERNING BODY AND FULL CONSIDERATION BEING GIVEN THERETO AND TO OTHER EVIDENCE AND INFORMATION AFFECTING THE SAME, IT WAS UPON MOTION OF

COUNCILMAN Barter SECONDED BY COUNCILMAN Sides UNANIMOUSLY

RESOLVED, THAT THE PETITION OF W. T. Sellers, and wife, AND Nancy Lucille Sharpe Sellers OTHERS FOR THE IMPROVEMENT OF Winter Street FROM 150 ft. north of Belvedere Ave. northerly north side of lot #30, block #14.

LODGED WITH THE CITY CLERK May 26th., 19-37, AND NOW PRESENTED BY THE CLERK TO THE GOVERNING BODY WITH ~~HER~~ CERTIFIED STATEMENT OF ~~HER~~ her INVESTIGATION INTO THE SUFFICIENCY THEREOF AND OF THE RESULT OF SUCH INVESTIGATION, BE AND IS HEREBY FINALLY AND CONCLUSIVELY FOUND AND DETERMINED TO CONFORM IN ALL RESPECTS TO CHAPTER 56 OF THE PUBLIC LAWS PASSED BY THE GENERAL ASSEMBLY OF NORTH CAROLINA AT ITS 1915 SESSION AND RATIFIED FEBRUARY 27, 1915, TOGETHER WITH ALL AMENDMENTS THEREOF, TO BE SUFFICIENT IN ALL RESPECTS UNDER SUCH ACT, AND

RESOLVED, THAT IT HEREBY IS FINALLY AND CONCLUSIVELY FOUND AND DETERMINED THAT SUCH PETITION IS SIGNED BY A MAJORITY IN NUMBER OF THE OWNERS OF THE LAND ABUTTING UPON THE PORTION OF SUCH STREET PROPOSED TO BE IMPROVED, AND BY OWNERS REPRESENTING A MAJORITY OF ALL THE LINEAL FEET OF FRONTAGE OF SUCH LANDS, IN ALL RESPECTS AS REQUIRED BY SECTION 5 OF SUCH ACT.

IV.

On motion of Councilman Baxter, seconded by Councilman Sides, the following resolution was unanimously adopted:

RESOLUTION DETERMINING TO MAKE STREET IMPROVEMENT.

THIS FORM DOES NOT COVER "SIDEWALK IMPROVEMENT"

WHEREAS, IN PURSUANCE OF THE PROVISIONS OF CHAPTER 56 OF THE PUBLIC LAWS OF 1915 OF NORTH CAROLINA, AND ALL AMENDMENTS THEREOF, A PETITION FOR THE IMPROVEMENT OF Winter Street FROM 150 ft. north of Belvedere Avenue, northerly TO north side of Lot #30, Block #14, for east side only

IN THE CITY OF CHARLOTTE WAS LODGED WITH THE CITY CLERK AND, ON THE 26th. DAY OF May 19-37, SUBMITTED BY THE CITY CLERK TO THE GOVERNING BODY OF SAID CITY WITH her CERTIFICATE AS TO THE SUFFICIENCY THEREOF, AND WAS ON THE 26th. DAY OF May, 19-37, DETERMINED BY THE SAID GOVERNING BODY TO BE SUFFICIENT;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CHARLOTTE, AS FOLLOWS:

SPECIFY KIND OF PAVEMENT USING LANGUAGE OF SEC. 18, SUB-SEC. (1), CLAUSE 11 OF THE MUNICIPAL FINANCE ACT 1917.

1. THAT Winter Street FROM 150' north of Belvedere Avenue, northerly TO northside of Lot #30, Block #14, East side only, BE IMPROVED BY CONSTRUCTING OR RECONSTRUCTING THE SURFACE THERE OF with permanent sidewalk, curb and gutter

INCLUDING THE GRADING OR REGRADING OF SAID PART OF SAID STREET, AND THE CONSTRUCTION, RECONSTRUCTION AND ALTERING OF CURBS, GUTTERS AND DRAINS THEREIN.

2. THAT 100% PER CENTUM OF THE COST OF SAID IMPROVEMENT, EXCLUSIVE OF SO MUCH OF THE COST AS IS INCURRED AT STREET INTERSECTIONS AND THE SHARE OF RAILROADS AND STREET RAILWAYS (IF ANY), SHALL BE SPECIALLY ASSESSED UPON THE LOTS OR PARCELS OF LAND ABUTTING DIRECTLY ON THE IMPROVEMENT, ACCORDING TO THE EXTENT OF THEIR RESPECTIVE FRONTAGES THEREON, BY AN EQUAL RATE PER FOOT OF SUCH FRONTAGE.

3. THAT IT IS HEREBY DETERMINED THAT ALL ASSESSMENTS HEREIN PROVIDED FOR MAY BE PAID IN 10 ANNUAL INSTALLMENTS, UPON THE TERMS PROVIDED IN CHAPTER 56 OF THE PUBLIC LAWS OF 1915, AND AMENDMENTS THEREOF.

RIKE OUT
IS PART
THERE ARE
SUCH
ACKS OR
IT CON-
ICTS WITH
ANCHISE
COMPANY.

NOT TO
CEED 30
CHES.

4. THAT ~~-----~~ IS HEREBY DIRECTED TO CONSTRUCT OR RECONSTRUCT WITH ~~-----~~ SO MUCH OF THE SURFACE OF THE PART OF SAID STREET TO BE IMPROVED AS AFORESAID AS LIES BETWEEN THE TRACKS AND BETWEEN THE RAILS OF THE TRACKS AND ~~+~~ ~~-----~~ INCHES IN WIDTH OUTSIDE OF THE TRACKS OF SUCH COMPANY, AND THAT UNLESS SUCH CONSTRUCTION OR RECONSTRUCTION SHALL BE DONE ON OR BEFORE THE 26th DAY OF June 1937, THE GOVERNING BODY WILL CAUSE THE SAME TO BE DONE AND THE COST THEREOF TO BE ASSESSED AGAINST SAID COMPANY.

5. THAT THE OWNERS OF ALL PROPERTY ABUTTING ON SAID STREET IMPROVEMENT ARE HEREBY DIRECTED TO CONNECT THEIR SEVERAL PREMISES WITH WATER MAINS, GAS AND SEWER PIPES LOCATED IN THE STREET ADJACENT TO THEIR SEVERAL PREMISES, IN ACCORDANCE WITH THE SPECIFICATIONS FOR SUCH CONNECTION PRESCRIBED BY THE CHARTER AND GENERAL ORDINANCES OF THE CITY OF CHARLOTTE, AND THAT UNLESS SUCH CONNECTIONS SHALL BE MADE ON OR BEFORE THE 26th DAY OF June 1937, THE GOVERNING BODY WILL CAUSE THE SAME TO BE MADE, AND THE ENTIRE COST THEREOF TO BE SPECIALLY ASSESSED AGAINST THE PARTICULAR LOT OR PARCEL OF LAND FOR OR IN CONNECTION WITH WHICH SUCH CONNECTION SHALL HAVE BEEN MADE.

6. SAID LOCAL IMPROVEMENT SHALL NOT BE MADE NOR ANY CONTRACT LET THEREFOR, UNTIL BONDS OF THE CITY OF CHARLOTTE SHALL HAVE BEEN AUTHORIZED THEREFOR, AS REQUIRED BY THE MUNICIPAL FINANCE ACT, 1919, AND AMENDMENTS THEREOF.

7. THAT THIS RESOLUTION BE PUBLISHED ONCE IN A NEWSPAPER PUBLISHED IN THE CITY OF CHARLOTTE.

This 26th day of May 1937.