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The regular meeting of the City Council was held in the Council Chamber, City Hall, at 4:00 o'clock p. m., Wednesday, October 27, 1937, Mayor Douglas presiding and Councilmen Albea, Baxter, Durham, Hudson, Huntley, Griswold, Little, Nance, Sides and Wilkinson being present.

Absent: Councilman Hovis.

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MINUTES OCTOBER 20TH MEETING READ AND APPROVED.

On motion of Councilman Albea, seconded by Councilman Hudson, the minutes of the meeting of October 20th. were approved as read.

CONTRACT AND ORDINANCE RELATIVE TO ABANDONING STREET CAR LINES AND SUBSTITUTING BUSES PRESENTED SECOND TIME.

Mayor Douglas called for any objections to the ordinance presented and adopted for the first time at last Wednesday's meeting regarding the abandoning of street cars in Charlotte and the substituting of buses. None were forthcoming and the ordinance was again presented by the City Manager and on motion of Councilman Hudson, seconded by Councilman Durham, was unanimously adopted on three readings; this ordinance being entitled:

AN ORDINANCE  
AUTHORIZING, EMPOWERING AND DIRECTING DUKE POWER COMPANY TO DISCONTINUE THE MAINTENANCE, USE AND OPERATION OF ITS ELECTRIC STREET RAILWAY SYSTEM IN AND ADJACENT TO THE CITY OF CHARLOTTE, AND TO SUBSTITUTE, MAINTAIN AND OPERATE IN LIEU THEREOF MOTOR BUSES: AUTHORIZING PIEDMONT AND NORTHERN RAILWAY COMPANY TO CONTINUE TO USE AND MAINTAIN CERTAIN TRACKS IN THE CITY: AND AUTHORIZING THE EXECUTION ON BEHALF OF THE CITY OF THE CONTRACT BETWEEN THE CITY, DUKE POWER COMPANY AND PIEDMONT AND NORTHERN RAILWAY COMPANY RELATING TO SAID SUBSTITUTION AND TO SAID TRACKS.

Thereupon, the following motion was offered by Councilman Albea, which was seconded by Councilman Griswold and unanimously carried:

"I move that the Mayor be authorized to sign the petition to the Utilities Commission with the Duke Power Company, which petition requests the authority to substitute motor buses for street cars in conformity with the City ordinance and the contract with the Duke Power Company."

MAYOR AUTHORIZED TO EXECUTE LEASE AGREEMENT WITH NORTH AMERICAN AVIATION, INC. FOR USE OF AIRPORT.

Mr. W. States Lee, Jr., Chairman of the Municipal Airport Commission, appeared before the Council regarding lease agreement between the City of Charlotte, the Municipal Airport Commission and North American Aviation, Inc., for the use of the Municipal Airport by Eastern Air Lines, advising that the lease heretofore authorized had been presented to the Eastern Air Lines and they had asked that a minor change be made therein by adding at the end of paragraph numbered Second, the following words: "or other governmental agency having jurisdiction thereof, relating to

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Airport's use by commercial transport planes and in condition for the safety and convenience of the Tenant's operations." And for the elimination of the last part of paragraph numbered Seventh, as follows: "according to rules and regulations of the Bureau of Air Commerce."

Mr. Lee advised that in all other respects this was the same agreement as was authorized by the Council some time ago.

City Attorney Boyd stated that he had requested that this again be presented to the Council for the reason that it gave the Aviation Company the right to cancel the contract at any time, upon thirty days written notice, within the next five years, while the City could not do so.

A general discussion was entered into regarding the amount of rent to be paid by the Eastern Air Lines, several Councilmen contending that the rent of \$50.00 per month was too low. Mr. Lee pointed out that the purchase of gasoline at the Airport brought this up to between \$100 and \$150. per month. After the above discussion, Councilman Albea, seconded by Councilman Griswold, moved that lease presented at this time be approved, as recommended by the Airport Commission. Motion unanimously carried.

#### Y.M.C.A. GRANTED USE OF ARMORY FOR TEN NIGHTS WITHOUT CHARGE.

The City Manager reported with regard to the request made at the last meeting by the Y.M.C.A. for use of the Armory-Auditorium ten Friday nights, without charge, for boxing, the proceeds to go for the work of under-privileged boys, that he had been advised by the High School coach that the High School teams would not use the Armory on Friday nights and that this would not conflict with their matches.

Thereupon, Councilman Sides moved that the Armory-Auditorium be given without charge to the Y.M.C.A. for these ten nights. Motion seconded by Councilman Durham and unanimously carried.

#### CONTRACT FOR ERECTION OF SMOKE STACK AT MUNICIPAL GARAGE AWARDED TO MECKLENBURG IRON WORKS.

The City Manager reported that the smoke stack at the City Garage had failed entirely and that it is necessary to rebuild at once in order to heat the building. The following bids were received for this work:

Carolina Iron & Steel Co., Greensboro, N. C.	\$327.00
Cole Mfg. Co., Newnan, Ga.	293.00
Mecklenburg Iron Works, Charlotte, N. C.	300.00

Due to the fact that it was necessary to have the work done immediately and the Mecklenburg Iron Works being a local concern and agreeing to do the work in three to four days, the City Manager recommended that the award be made to them.

Councilman Wilkinson, seconded by Councilman Huntley, moved that the contract be awarded to the Mecklenburg Iron Works at the price of \$300.00 and that the Mayor and Clerk be authorized to sign the contract. Motion unanimously carried.

#### PURCHASE OF SIGNAL CABLE FOR SIGNAL SYSTEM FROM MILL POWER COMPANY.

On motion of Councilman Wilkinson, seconded by Councilman Baxter and unanimously carried, contract was awarded to the Mill Power Supply Company for 3,000 feet of 5-conductor Signal Cable for extending the present Signal System, at the price of \$233.70.

Bids received were as follows:

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Mill Power Supply Co.	\$233.70
Westinghouse Elec. Supply Co.	233.70
Graybar Electric Co. Inc.	245.25

TRAFFIC SIGNALS PURCHASED FROM SOUTHERN ELECTRIC COMPANY.

On motion of Councilman Hudson, seconded by Councilman Albea and carried, the Mayor and Clerk were authorized to sign contract with the Southern Electric Service Company for 20 Vertical Bracket Arm Traffic Signals, at the price of \$635.80.

Bids on this equipment were as follows:

Southern Electric Service Co.	\$635.80
Mill Power Supply Co.	666.00
Graybar Electric Co. Inc.	666.00
General Electric Supply Co.	670.00

CONTRACTS FOR EXTENSION TO WATER PURIFICATION PLANT.

Mr. Marshall reported that bids were received on the Extension to the Water Purification Plant, as follows:

GENERAL CONTRACT:

Southeastern Construction Co.	\$337,994.00
A. H. Guion & Co.	339,785.00
Blythe Bros. Company	357,250.00
Boyd & Goforth, Inc.	359,178.00
V. B. Higgins	359,750.00
Virginia Engineering Co.	364,000.00
Wm. Muirhead Construction Co.	377,740.00
Lee Construction Co.	395,730.00
W. A. Ebert	400,000.00

PLUMBING CONTRACT:

Toomey Brothers	\$ 3,152.00
Tompkins-Johnston Co.	3,184.00
Acme Plumbing Co.	3,296.00
L. B. Castar	3,312.00

HEATING CONTRACT:

Reliance Engineering Co.	\$ 1,393.00
Acme Plumbing Co.	1,497.00
Tompkins-Johnston Co.	1,525.00
Toomey Brothers	1,560.00

Mr. Marshall recommended that the General Contract be awarded to the Southeastern Construction Company, at \$337,994.00, with the following alternate clause:

"The contract is awarded with the understanding that the City will deduct:

Southeastern Construction Co.		\$337,994.00
Alternate No. 3	⊙	\$3,700.00
Alternate No. 5	⊙	720.00
Alternate No. 7	⊙	3,000.00
Alternate No. 8, for using the existing operating tables in the present filter building, instead of new tables as specified	⊙	900.00

Total Deductions

8,320.00  
\$329,674.00

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The City also reserves the right to deduct Alternate No. 4 at \$825.00, provided the Contractor is furnished a letter from the City stating its intention to do so, within two weeks from the date of the contract."

He also recommended that contract for plumbing be awarded to Toomey Brothers, at \$3,152.00, and for heating to Reliance Engineering Company at \$1,393.00.

Thereupon, Councilman Baxter, seconded by Councilman Durham, made a motion that the contracts be awarded as recommended by Mr. Marshall, City Manager, and that the Mayor and Clerk be authorized to sign these contracts. Motion unanimously carried.

#### AGREEMENT WITH DUKE POWER COMPANY.

An agreement with the Duke Power Company for right-of-way in connection with the construction of a Transformer Station to serve the new Purification Plant on Beatty's Ford Road was read by the City Manager, and on motion of Councilman Wilkinson, seconded by Councilman Durham, the Mayor and Clerk were authorized to execute same on behalf of the City of Charlotte.

#### MAINTENANCE ON DANIEL STREET.

At the request of Mr. S. W. Dandridge that the City take over for maintenance Daniel Street, between Marguerite Avenue and the Plaza Road, with the applicant agreeing to furnish the necessary 18" pipe for a storm drain, Councilman Albea moved that this request be granted, which motion was seconded by Councilman Nance and carried.

#### APPOINTMENT OF SPECIAL OFFICERS ON PREMISES OF J. B. IVIEY & COMPANY.

On motion of Councilman Huntley, seconded by Councilman Wilkinson and carried, Robert O Leinster and Mrs. Richie Crowe were appointed as Special Officers on the premises of J. B. Ivey & Company. These appointments were approved by the Chief of Police.

#### APPOINTMENT OF ASSISTANT MILK INSPECTOR.

Mr. Marshall reported the appointment of Dr. M. J. Lavitan as Assistant Milk Inspector in the Health Department.

#### COPY OF BUDGET STATEMENT AS OF OCTOBER 1st. FURNISHED COUNCIL.

A copy of the Budget Statement as of October 1, 1937 was presented each member of the Council.

#### RESOLUTION REGARDING COLLECTOR OF REVENUE, CITY OF CHARLOTTE.

The following Resolution was presented and duly adopted:

WHEREAS, H. C. Northrop of H. C. Northrop & Company, Certified Public Accountants, appeared before the City Council of the City of Charlotte on October 27, 1937, and reported to the City Council that they had thoroughly and completely checked all of the records in the office of the Collector of Revenue of the City of Charlotte up to October 1, 1937, and that their investigation disclosed that said Collector of Revenue has made a full and complete settlement to the Treasurer of the City of Charlotte of

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all funds coming into his hands by virtue of his office as Collector of Revenue for the City of Charlotte. They further recommend to the City Council that the tax collection books and records for the year 1937 be turned over to Mr. James W. Armstrong, the Collector of Revenue of the City of Charlotte, to the end that said Collector of Revenue might proceed with the collection of the 1937 taxes due the City of Charlotte.

IT FURTHER APPEARING to the City Council that the Collector of Revenue of the City of Charlotte is under a bond in the sum of \$50,000.00 executed by National Surety Company, and that said bond is a continuing bond protecting the City against all loss that may be sustained on account of any failure on the part of the Collector of Revenue to properly remit to the Treasurer of the City of Charlotte any and all funds collected by him due to the City of Charlotte.

IT IS, THEREFORE, upon motion of Councilman Sides, seconded by Councilman Griswold, ordered by the Governing Body of the City of Charlotte that the report of H. C. Northrop & Company, Certified Public Accountants, be received as information, and it is further ordered and directed that all of the 1937 tax collecting records and books be turned over to the Collector of Revenue of the City of Charlotte, and that he proceed with the collection of said taxes, as by law provided.

INVOICE OF J. M. SCARBOROUGH APPROVED FOR PAYMENT.

On motion of Councilman Griswold, seconded by Councilman Little and carried, the invoice of Mr. J. M. Scarborough, attorney, for investigation and preparation and assistance in trial of case of W. P. Beam vs. City of Charlotte, in Federal Court, in the amount of \$25,000.00, which was won by the City, and for investigation, preparation and attending Court in the trial of Kelly vs. City of Charlotte, \$50,000.00, in Federal Court, case won for City, amounting to a total of \$200.00, was approved for payment.

CEMETERY DEEDS.

The following cemetery deeds were approved, on motion of Councilman Hudson, seconded by Councilman Albea and carried:

P. J. McSwain, Lot 38-C, "D Annex", Elmwood Cemetery	\$67.55
Mrs. T. E. Roland, S.W. 1/4 Lot No. 44-A, "D Annex"	35.00

TRANSPORTATION OF GASOLINE TRUCKS THROUGH CITY TO BE STUDIED.

Councilman Sides stated that the time has arrived when it is necessary that some steps be taken regarding the transportation of gasoline in trucks through the City of Charlotte; that these trucks should be routed to take every precaution possible, and he moved that the City Manager and City Attorney go into the matter and see what can be worked out. Motion seconded by Councilman Albea and unanimously carried.

ADJOURNMENT.

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

*Alice B. McConell*  
City Clerk