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The regular weekly meeting of the City Council was held in the Council Chamber, City Hall, at 4 o'clock P. M., Wednesday, April 22, 1942, with Mayor Currie presiding and Councilmen Albea, Beasley, Daughtry, Hovis, Little, Painter, Ross, Slye and Ward being present.

Absent: Councilmen Baker and Price.

RESOLUTION AUTHORIZING THE COMPROMISE OF THE SUIT OF IRENE SCHULTZ WALSH, EXECUTRIX, VS. CITY OF CHARLOTTE.

The following resolution was unanimously adopted on motion made by Councilman Hovis, and seconded by Councilman Little:

WHEREAS, there is now pending and on trial in the United States District Court, a civil action entitled Irene Schultz Walsh, Executrix, vs. City of Charlotte, in which the plaintiff is making claim against the defendant for the total sum of \$7660.46 with interest; and, whereas, the City concedes that it is indebted to the plaintiff in the sum of \$1217.19, but disputes the balance of the claim; and, whereas, the City Attorneys, who have had charge of the trial of the case, have recommended that the case be settled for \$4000 and court costs, which recommendation has been concurred in by Paul C. Whitlock, a former member of the Charlotte Memorial Hospital Board, who has personal knowledge of many of the facts, matters and things involved in the litigation,

NOW, THEREFORE, Be it resolved that the City Attorneys be, and they are, authorized to consent to the entry of a judgment in favor of the plaintiff against the defendant in the case for the sum of \$4000 and costs, conditioned upon the payment of the said judgment as soon as is reasonably possible, the same to be in full settlement and compromise of all claims in favor of the plaintiff against the defendant that the City Treasurer and City Accountant be, and they are, directed to pay the said judgment, using in part payment thereof the sum of \$1217.18 now standing to the credit of the City in the bank account in which there has heretofore been deposited monies paid and contributed to the City for use in construction of the Charlotte Memorial Hospital, and that the balance due upon the said judgment be paid from the general funds of the City and to that end the sum of \$2850 be, and it is, appropriated from the emergency fund.

AN ORDINANCE AMENDING APPROPRIATION ORDINANCE ADOPTED JULY 23, 1941.

After the passage of the above resolution, the following ordinance was introduced by Councilman Ross:

WHEREAS, by ordinance adopted the 1st day of April, 1942, the appropriation ordinance which had been adopted July 23, 1941, was amended by increasing the amount appropriated for improvements to the incinerator by \$20,000, all as specifically set out in said ordinance; and, whereas, it appears now that all of the said increase appropriation for improvements to the incinerator will not be expended during the current fiscal year and that, in order to compromise a pending law suit, it is necessary to increase the emergency fund by \$3000,

NOW, THEREFORE, Be It Ordained by the City Council of the City of Charlotte, N. C.:

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Section 1: That the appropriation ordinance adopted July 23, 1941, as amended, be, and the same hereby is, further amended by transferring from the amount appropriated for improvements to the incinerator to the emergency fund the sum of \$3000.

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

Section 3: This ordinance shall take effect from and after its passage.

APPROVED AS TO FORM:

Tillett & Campbell
BY C. W. Tillett
City Attorneys

On motion of Councilman Ross, seconded in each instance by Councilman Daughtry, the above ordinance was unanimously adopted on three readings and declared by the Mayor to be an ordinance of the City of Charlotte.

CHESTER NIXON APPEALED FOR ENFORCEMENT OF VAGRANCY LAW.

Chester Nixon appeared before the Council urging enforcement of the City's vagrancy law, complaining of the shortage of farm labor and denouncing the W.P.A. He stated that a few arrests of unemployed loiterers would drive them off the streets and out of poolrooms back to work. No action was taken on his suggestions, the Mayor advising him that the Council had no control over the granting of licenses to beg by the Welfare Department.

RESOLUTION WITH REGARD TO CITY DOG POUND.

The following resolution was adopted on motion made by Councilman Albea, seconded by Councilman Painter:

WHEREAS, the Mecklenburg County Humane Society has offered to maintain inspection of the City Dog Pound, and its operation, and has offered to make suggestions with regard to its operation and maintenance without any charge or expense to the City of Charlotte, and whereas, said Mecklenburg County Humane Society, is performing such services for the Mecklenburg County Dog Pound, and whereas, the Mecklenburg County Dog Pound and the City Dog Pound are in close proximity, and whereas, the City Collector of Revenue, who has supervision of the operation and maintenance of the City Dog Pound, has expressed a desire to have the benefit of the services offered by the Mecklenburg County Humane Society in the inspection and maintenance of the City Dog Pound.

NOW, THEREFORE, Be it resolved that the offer of the Mecklenburg County Humane Society be, and the same hereby is, accepted, and the Mecklenburg Humane Society is hereby authorized and empowered to maintain inspection of the City Dog Pound and its operation and to make suggestions with regard to its operation and maintenance without any charge or expense to the City of Charlotte, and the City Collector of Revenue is authorized, empowered and directed to cooperate with the Mecklenburg County Humane Society to the end that the City Dog Pound will be operated in a sanitary and efficient manner, and all expenses in connection with the operation and maintenance of said City Dog Pound will be continued in the same manner as at present.

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RESOLUTION WITH REGARD TO THE REQUIREMENT AND AMOUNT OF FIDELITY BONDS TO BE FURNISHED THE CITY BY CITY EMPLOYEES.

The resolution relative to fidelity bonds of City employees, held over from last week, was again presented by Councilman Ross, and is as follows:

BE IT RESOLVED That those persons employed by the City of Charlotte in the positions hereinafter set forth, or holding such positions by appointment or otherwise, be, and they hereby are, required each to furnish a bond in a surety company approved by the City Manager of the City of Charlotte in the sum as set opposite each position as hereinafter designated, conditioned upon the faithful performance of all duties and trusts imposed upon such person by reason of such appointment or employment, and for an honest and proper accounting and application of all funds coming into such persons hands by virtue of the office or employment, or coming into such persons possession in connection therewith, said bond to be renewed annually and the premiums upon such bond or bonds to be paid by the City of Charlotte, and each said renewal bond to be separate and distinct and in addition to the previous bond.

<u>OFFICE OR POSITION</u>	<u>AMOUNT OF BOND</u>
<u>Office of Collector of Revenue</u>	
City Collector of Revenue	\$50,000
Assistant Collector of Revenue	5,000
Each individual cashier	5,000
All other regular employees -- each	1,000
<u>Treasurer's Office</u>	
City Treasurer	25,000
Treasurer's Secretary	1,000
<u>Accounting Department</u>	
City Accountant	10,000
Assistant City Accountant	3,000
All other regular employees -- each	1,000
<u>City Clerk</u>	
City Clerk	1,000
<u>Motor Transport Department</u>	
Superintendent of Motor Transport Department	1,000
<u>Cemetery</u>	
Superintendent of Cemetery	1,000
Assistant Superintendent of Cemetery	1,000
Clerk in Cemetery Department	1,000

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Inspection Department

Chief Building Inspector	\$ 1,000
Electrical Inspector	1,000
Plumbing and Heating Inspector	1,000
All other inspectors, assistant inspectors, and/or clerks, each	1,000

Health Department

Clerk and Secretary	1,000
Food Inspector	1,000
Meat Inspector	1,000
Dairy Inspector	1,000
Assistant Dairy Supervisors	1,000

Municipal Buildings

Superintendent of Municipal Buildings	2,000
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Police Department

Chief of Police	1,000
Chief of Detectives	1,000
Clerk of Recorder's Court of City of Charlotte	2,000
Assistant Clerk of Recorder's Court of City of Charlotte	2,000
Desk Sergeants -- each	1,000
Substitute Desk Sergeants -- each	1,000
Relief Desk Sergeants -- each	1,000

Fire Department

Secretary of Fire Department	1,000
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Engineering Department

Office Engineer and/or Payroll and Records Clerk	1,000
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Water Department

Reading, Billing and Collection Division

Office Manager	5,000
Cashiers -- each	5,000
Assistant Cashiers -- each	1,600
Application and Complaint Clerk	1,000
Assistant Supervisor	1,000

APPROVED AS TO FORM:

Fillett & Campbell
City Attorneys

Councilman Ross explained that in making these bonds renewable annually, there would be an additional expense of \$480.00 in the general government account and \$110.00 in the water works account. On motion of Councilman Ross, seconded in each instance by Councilman Daughtry, the above resolution was adopted on three readings; the motion also carrying the provision that the sum of \$480.00 be transferred from the general government emergency fund to take care of the additional cost, and \$110.00 from the water works emergency fund.

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PURCHASE OF PIPE.

Bids were received on 1200 feet of 10-inch Terra Cotta Pipe, in 3-ft. joints, to be used by the Engineering Department in sanitary sewer construction; these bids being as follows:

H & S Lumber Company	\$448.14
Caldwell Construction Company	448.14
The Doggett Lumber Company	448.14
Cathey Lumber Company	448.14
Tucker-Kirby Company	448.14
Charlotte Lumber Corporation	448.14
Isenhour Brick & Coal Company	448.14
McGee Lumber Company	448.14

Following the City's practice of rotating the award of business when price and quality are the same, on motion of Councilman Little, seconded by Councilman Painter, the Mayor and Clerk were authorized to sign a contract for this material with the H & S Lumber Company, at the net delivered price of \$448.14.

TIRES PURCHASED FOR MOTOR TRANSPORT DIVISION.

Mr. Flack reported that the Motor Transport Division was in need of 2- 36x8, 12-ply casings and tubes for the street sweeper, and that certificate from the Tire Rationing Board had been secured, as well as the following bids:

Dayton Tire Sales Company	\$117.00	(McClaren)
The Goodyear Tire & Rubber Co.	147.46	(Goodyear)
McDonald Service Company	172.48	(Firestone)

On motion made by Councilman Albea, seconded by Councilman Little and duly carried, the award was made to the lowest bidder, Dayton Tire Sales Company of Charlotte, at a net delivered price of \$117.00.

MAINTENANCE ON OFFICE MACHINES.

The City has an annual contract with Burroughs Adding Machine Company for maintenance on two bookkeeping machines and two adding machines in the Accounting Department, in the amount of \$113.60, invoice being payable at the end of each year of service- April 19th., and on motion of Councilman Little, seconded by Councilman Albea, authority was given for the payment of same from funds budgeted for this purpose.

REPAIRS TO SEABOARD RAILWAY SPUR TRACK AT CITY GARAGE.

The City Manager reported that on February 25, 1942 authority was given by the City Council for repairs to the spur track leading to the trestle at the City Garage, in an amount not to exceed \$130.00, but that it now appears that this estimate was given the Superintendent of the Motor Transport Division in September 1941 and that in the interim, between the time the Railway Company furnished the estimate and the actual order to do the work, the cost for such work had advanced, so that the actual cost of doing the work is \$150.20. He asked approval of that sum for payment, and on motion of Councilman Daughtry, seconded by Councilman Beasley, the approval was given.

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AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "AN ORDINANCE AMENDING TRAFFIC ORDINANCE ADOPTED JANUARY 10, 1940".

The following ordinance was introduced by Councilman Beasley, as requested at the last meeting:

AN ORDINANCE
AMENDING AN ORDINANCE ENTITLED "AN ORDINANCE AMENDING TRAFFIC ORDINANCE ADOPTED JANUARY 10, 1940"

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

Section 1: 1(7)(b) of the ordinance adopted September 3, 1941, and recorded in Minute Book 9 at page 163 and entitled "An Ordinance Amending Traffic Ordinance Adopted January 10, 1940" be, and the same is, amended by adding to the end of said Section 1(7)(b) the following: "and except that vehicular traffic may make right turns from Tryon Street into Fourth Street and into Fifth Street."

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 the ordinance and cause the same to be published.

On motion of Councilman Beasley, seconded in each instance by Councilman Albea, the above ordinance was read, approved and adopted on three readings, and declared by the Mayor to be an ordinance of the City of Charlotte, this 22nd day of April, 1942.

APPROVED AS TO FORM:

Tillett & Campbell
City Attorneys

Alice B. McConnell
City Clerk

ORDINANCE PROHIBITING PARKING ON FOURTH AND FIFTH STREETS.

Councilman Beasley then introduced the following ordinance:

AN ORDINANCE
PROHIBITING PARKING ON BOTH SIDES OF FOURTH STREET BETWEEN COLLEGE AND MINT STREETS, AND ON BOTH SIDES OF FIFTH STREET BETWEEN COLLEGE AND CHURCH STREETS.

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

Section 1: When signs are erected giving notice thereof, no person shall park a vehicle at any time on that portion of Fourth Street between College and Mint Streets, and on that portion of Fifth Street between College and Church Streets. The purpose of this ordinance is to include the above portions of Fourth and Fifth Streets in Schedule 1 of the Traffic Ordinance adopted January 10, 1940.

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

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Section 3: The City Clerk shall certify to the passage of the ordinance and cause the same to be published.

On motion made by Councilman Little, seconded by Councilman Beasley and unanimously carried, the above ordinance was read, approved and adopted on three readings, and declared by the Mayor to be an ordinance of the City of Charlotte, this 22nd. day of April, 1942.

APPROVED AS TO FORM:

Tillett & Campbell
City Attorneys

Alice B. McConnell
City Clerk

AN ORDINANCE REPEALING ORDINANCE MAKING 4TH. AND 5TH. STREETS ONE-WAY STREETS.

The following ordinance was read by the Clerk, and on motion of Councilman Beasley, seconded by Councilman Albea, was unanimously adopted on three readings, and declared by the Mayor to be an ordinance of the City of Charlotte, this 22nd. day of April, 1942:

AN ORDINANCE REPEALING AN ORDINANCE ENTITLED:
"AN ORDINANCE TO AMEND AN ORDINANCE ADOPTED
SEPTEMBER 3, 1941, ENTITLED 'AN ORDINANCE AMENDING
ING TRAFFIC ORDINANCE ADOPTED JANUARY 3, 1940'."

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

Section 1: That the ordinance adopted September 24, 1941, and recorded in Minute Book 9, at Page 191, and entitled "An Ordinance to Amend an Ordinance Adopted September 3, 1941, entitled 'An Ordinance Amending Traffic Ordinance adopted January 3, 1940' " be, and the same is, repealed. The intent of this ordinance is to also repeal Section 1 (4) of the Ordinance entitled "An Ordinance Amending Traffic Ordinance Adopted January 10, 1940", adopted September 3, 1941, and recorded in Minute Book 9, page 163, of which the above repealed ordinance was an amendment.

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.

APPROVED AS TO FORM:

Tillett & Campbell
City Attorneys

Alice B. McConnell
City Clerk

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RESOLUTION RELATIVE TO SUIT OF LILLIAN F. CROSLAND ET AL VS. CITY OF CHARLOTTE.

Mr. Flack reported that the City Attorneys had prepared the following resolution for adoption with regard to the suit of Lillian F. Crosland et al against the City of Charlotte and others, instituted on March 30, 1942, for the purpose of removing any restrictions upon certain property in Roslyn Heights, and on motion of Councilman Little, seconded by Councilman Albea and carried, the resolution was adopted:

RESOLUTION WITH REGARD TO SUIT OF LILLIAN
F. CROSLAND AND HUSBAND, JOHN CROSLAND VS.
CITY OF CHARLOTTE ET AL.

WHEREAS, under date of March 30, 1942, Lillian F. Crosland and husband, John Crosland, instituted an action in the Superior Court of Mecklenburg County against the City of Charlotte and various other owners of real estate shown upon map of Roslyn Heights, recorded in Map Book 3 at page 35 of the Mecklenburg County Public Registry, for the purpose of removing any restrictions upon certain property lying to the north of the aforementioned Roslyn Heights, as to ownership or occupancy by negroes; and whereas, the City of Charlotte owns only one lot in Roslyn Heights and it is immaterial to the City of Charlotte whether the property of Lillian F. Crosland and husband, John Crosland, lying to the north of its lot and across West Trade Street is restricted against ownership and occupancy by negroes.

NOW, THEREFORE, Be it resolved that the City Attorneys be, and they hereby are, authorized and directed to file an appropriate answer without raising any defense to the relief prayed for by the plaintiffs.

SPECIAL OFFICER PERMITS GRANTED.

On motion of Councilman Ross, seconded by Councilman Little, the following special officer permits were authorized to be issued; all of which have been approved by the Chief of Police:

Southeastern Aeronautical Institute, permit for Tyler B. Dunlap, Jr., Spartanburg, S.C., for use on their premises at 426 West Trade Street.

Carolina Transfer & Storage Company, permit for R. A. Henderson, 2400 Arty Ave., Charlotte, for use on their premises at 1230 West Morehead Street, as well as on the premises of Brown Mfg. Co., McClain Distributing Co., Charlotte Coca-Cola Company, Fruhauf Trailer Co., and Southern Radio Company, all located on West Morehead Street.

Charlotte Memorial Hospital, permit for J. E. Smith, 1417 Scott Court, for use on the hospital premises.

ADDITIONAL SEWER FACILITIES FOR AIR BASE.

Mr. Flack, City Manager, presented to the Council at this time, a request for additional sewer facilities at Morris Field in event the strength is increased from approximately 3500 to 5000; which information he stated was confidential and for the information of the Corps of Engineers. This request called for an immediate answer and pending action of the Council, he reported that the following letter had been sent out from his office:

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"April 18, 1942

J. N. Pease & Company, Inc.,
Architect - Engineer,
Morris Field,
Charlotte, N. C.

Attention: Mr. J. L. Higgins, Representative.

In re: Your communication of April 17th. on the
subject of sewer system - City of Charlotte,
N. C.

Dear Mr. Higgins:

You appreciate that this statement is being forwarded to you subject to change, alteration or cancellation by the governing body of the City of Charlotte, to wit: The City Council. This office cannot legally commit the City in the matter you present, independent of the City Council.

However, because of the war emergency, the situation you present of necessity requires an immediate answer. Therefore, the City will endeavor to take care of the additional sewage with its present facilities, until such time as the Council of the City directs otherwise.

The Irwin Creek Plant, to which this sewage would be delivered, is already overloaded. Obviously, your additional requirements may cause a situation resulting in the plant not being able to adequately dispose of the sewage. In such event, it would appear the solution of the problem per se is not the obligation of the City of Charlotte but rather of the Federal Government. It would appear that the Federal Government should provide the means to make proper arrangements to effectively take care of the condition.

For the record, it should be clearly understood that this communication and action under it will not create an obligation upon the part of the City to permanently care for the sewage referred to, nor will it be construed to waive the obligation of the Federal Government in regard thereto.

Very truly yours,

(Signed) R. W. Flack
City Manager."

On motion made by Councilman Ross, seconded by Councilman Daughtry, the action of the City Manager above set forth, was approved by the City Council.

HANGAR AT DOUGLAS FIELD FOR AIR BASE USE LEFT TO COMMITTEE TO HANDLE.

Mr. Flack reported that the Charlotte Air Base had contacted the Chairman of the Airport Commission with regard to securing the hanger at the Douglas Airport to house additional troops at Morris Field immediately, and also that Atlanta had called the Mayor regarding same, following that call with a call to the Air Base and that as a result, a representative from the office of Director of Real Estate Leasing Division of the U. S. Army, from Atlanta, was in the city today and wanted to lease the hangar at \$1 per year for the duration of the war. He also advised that he had sent the lease form to the City Attorneys but that they had not had an opportunity to go over it.

Whereupon, Councilman Albea moved that the Mayor, the City Attorneys, the City Manager, and the Chairman of the Airport Commission

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be authorized to handle the matter. Motion seconded by Councilman Daughtry and carried.

WORK TO BE DONE ON THIRD UNIT OF INCINERATOR.

The City Manager recommended for consideration of the Council the tearing down of that part of the easterly furnace of the Shuman Avenue incinerator which cannot be re-used; this to be done under proper supervision in order to safe-guard workmen, and presented an estimate of the cost of this work, which he considered very reasonable at the figure of \$1318.31. He also recommended the employing of Mr. Mark H. Allen to supervise same and to give expert advice as to what the City should then do, at a fee of \$350.00; and that contracts with Boyd & Goforth and Mark H. Allen for technical and work supervision be authorized, balance of work to be done by force. After discussion, Councilman Ward moved that the Council accept the City Manager's recommendation. Motion seconded by Councilman Slye and carried.

WATER LINE TO AIR BASE, FILING OF APPLICATION WITH DEFENSE PUBLIC WORKS FOR CONSTRUCTION.

The following resolution, which had been prepared by the City Attorneys relative to the filing of an application with the Federal Works Agency - Defense Public Works, for loan and grant to construct a water line to the Airbase, was presented by the City Manager, and on motion made by Councilman Ward, seconded by Councilman Little, was unanimously adopted:

RESOLUTION WITH REGARD TO FILING
APPLICATION WITH THE FEDERAL WORKS AGENCY, PUBLIC
WORKS ADMINISTRATION-- DEFENSE PUBLIC WORKS FOR
FEDERAL ASSISTANCE IN CONSTRUCTING A WATER LINE
TO SERVE THE AIR BASE.

WHEREAS, It is deemed necessary and desirable to construct a water line from the City water system to serve the Air Base, located at Morris Field, in the vicinity of the Municipal Airport, in the interest of national defense, and, whereas, the Federal Works Agency, Public Works Administration -- Defense Public Works, an agency of the Federal Government, has or may have funds available for such project.

NOW, THEREFORE, Be it resolved that the City Manager be, and he hereby is, authorized and directed to make application for a loan to the City of Charlotte in the amount of \$10,000, to be used in extending the City water system to the City limits and to be repair out of revenue received by the Water Department of the City of Charlotte, and for a grant from the Federal Government in the amount of \$57,400, in the nature of a gift to be used to install a water line from the City limits to the Air Base located at Morris Field, near the Municipal Airport, and outside of the City limits of the City of Charlotte, and to this end the City Manager is authorized and directed to execute on behalf of the City of Charlotte such application forms and other documents as may be useful or necessary in procuring said loan in the amount of \$10,000, and gift or grant in the amount of \$57,400, and to file same with the Federal Works Agency, Public Works Administration -- Defense Public Works, and the City Attorneys and other employees of the City of Charlotte are hereby authorized and directed to prepare and execute such application forms and other documents as may be useful or necessary in procuring said loan and grant.

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CEMETERY DEEDS.

On motion made by Councilman Little, seconded by Councilman Albea, the following cemetery deeds were authorized to be issued:

Millard T. & Alma Bostic Williams, Lot No. 83-B, D-Annex, Elmwood	\$ 58.80
Mrs. Lydia L. Abbott, Lot No. 150, Section "Y",	" 63.00

ADJOURNMENT.

On motion of Councilman Albea, the meeting adjourned.

Alice B. McConnell

 City Clerk