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A regular meeting of the City Council was held in the Council Chamber, City Hall, at 4 p.m., on Tuesday, August 20, 1946, with Mayor Baxter presiding, and Councilmen Childs, Hinson, McIntyre, Newson and Puette present.

Absent: Councilmen Johnston and White.

INVOCATION.

The invocation was given by Councilman Hinson.

MINUTES APPROVED.

Upon motion of Councilman Hinson, seconded by Councilman Newson, the minutes of the meetings on August 6th and 13th were approved as read.

REQUEST THAT PROPERTY AT 111-17 NORTH POPLAR STREET BE RETAINED DEFERRED ONE WEEK.

Mr. Oliver Litaker, Mr. Joe Grier, Mr. Don McSwain and Mr. Ed. Stukes, representing local veterans organizations appeared before Council and requested that the sale of property at 111-17 North Poplar Street, which was sold at public auction on August 5, 1946, not be accepted and confirmed, but that the property be retained and used for the erection thereon of a Recreational Center for Veterans for which it was originally purchased by the city. Mr. Grier asked that if the property is sold that the bid price of \$52,500.00 be used for the purchase of another site in the uptown area for a Veterans Center.

Councilman Childs moved that action on the sale of the property be deferred for one week, that in the interim a Committee of Council - preferably the Real Estate Committee - and a Committee of Veterans confer on the question and bring to Council at next week's meeting a feasible, tangible plan that could be immediately worked out. Motion seconded by Councilman Hinson, and unanimously carried.

Mayor Baxter referred the matter to the Real Estate Committee of Council for a report at next week's meeting.

PETITIONS REQUESTING CLEAN-UP OF SWARTZ JUNK YARD REFERRED TO HEALTH DEPARTMENT FOR REPORT.

Mr. Wm. Abernathy, Attorney, representing citizens of the vicinity of South Cedar Street and West Fourth Street, filed petitions which he stated were signed by 107 citizens of the vicinity, protesting the health and fire hazardous conditions existing at Swartz Junk Yard on South Cedar Street, and requested that it be immediately cleaned up.

Councilman McIntyre recommended that the matter be referred to the Health Department for investigation and report at next week's meeting.

Mayor Baxter directed that the matter be referred to the Health Department as recommended.

EASEMENT TO ALLEY WAY RIGHT AT BIDDLEVILLE SCHOOL AUTHORIZED TO BOARD OF SCHOOL COMMISSIONERS.

Mr. L. L. Ledbetter, City Treasurer, recommended the sale of the 20-foot easement to the alley way right now existing at Biddleville School, as requested by the Board of School Commissioners, conditional upon the Commissioners being allowed \$400.00 in compensation therefor on the purchase price, not to exceed \$1,500.00, of the property adjacent to the

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Biddleville School from Mr. and Mrs. Chase Brenizer. Councilman Newson moved that the recommendation be approved and the Mayor and City Clerk be authorized to sign the deed to the easement. Motion seconded by Councilman Puette, and unanimously carried.

SALE OF TAX FORECLOSED PROPERTY CONFIRMED.

Councilman Newson reported that the following tax foreclosed property was sold at public auction on August 5, 1946, has remained open for ten days without upset bids, and moved that the sales be confirmed:

961 Seigle Avenue, high bid of Piedmont Gospel Tabernacle	\$ 450.00
1401-09 Scotland Avenue, high bid of T.C. Wohlbruck	1,638.00
1400-02 North Davidson Street, high bid of D. A. Page	900.00
110-12 West Liddell Street, high bid of D. T. Shelton	1,312.50

Motion seconded by Councilman McIntyre, and unanimously carried.

CONFIRMATION OF SALES OF TAX FORECLOSED PROPERTY RESCINDED.

Councilman Newson moved that Council rescind its action in confirming the sales of the following tax foreclosed property, due to Commissioner's deeds having been found to be defective. He stated the deeds have been voided and steps taken to secure clear titles:

1330 Pegram Street, confirmed to James E. McKnight on April 30, 1946.
1512-14 Seigle Avenue, confirmed to J. V. Barrett, Jr. and wife Frances L. Barrett, on April 30, 1946.
1516-18 Seigle Avenue, confirmed to J. V. Barrett, Jr. and wife Frances L. Barrett, on April 2, 1946.
1520-22 Seigle Avenue, confirmed to O. T. Starnes, on April 30, 1946.
1629-31 Wilkinson Street, confirmed to R. D. Moser, on April 2, 1946.

Motion seconded by Councilman Puette, and unanimously carried.

ORDINANCE GRANTING RELIEF FROM SET-BACK LINE REQUIREMENT TO A. B. SCHNEDL.

An ordinance entitled, "AN ORDINANCE GRANTING RELIEF FROM HARDSHIP UNDER THE ORDINANCE ESTABLISHING A BUILDING SETBACK LINE FOR THE CITY OF CHARLOTTE WITHIN ITS CONGESTED AREA" was presented and read. Councilman Hinson moved the adoption of the ordinance. Motion seconded by Councilman Childs, and unanimously carried. Ordinance recorded in full in Ordinance Book 9, at Page 400.

ORDINANCE GRANTING RELIEF FROM HARDSHIP UNDER THE ORDINANCE ESTABLISHING A BUILDING SETBACK LINE FOR THE CITY OF CHARLOTTE WITHIN ITS CONGESTED AREA, TO STRAND THEATRE, INC.

An ordinance entitled, "AN ORDINANCE GRANTING RELIEF FROM HARDSHIP UNDER THE ORDINANCE ESTABLISHING A BUILDING SETBACK LINE FOR THE CITY OF CHARLOTTE WITHIN ITS CONGESTED AREA" was presented and read. Councilman Hinson moved the adoption of the ordinance. Motion seconded by Councilman Childs, and unanimously carried. Ordinance is recorded in full in Ordinance Book 9, at Page 400.

ADDITIONAL POWER AT VEST PURIFICATION STATION REFERRED TO CITY MANAGER, CITY ATTORNEY AND J. N. PEASE & COMPANY ENGINEER.

The City Manager advised that additional power was needed for Vest Purification Station and recommended that the matter of contracting for same with Duke Power Company be referred to the City Manager, City Attorney and J. N. Pease & Company Engineer.

The Mayor referred the matter as recommended.

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RESOLUTION RELATING TO THE PURCHASE OF COAL FOR THE 1946-47 SEASON.

Upon motion of Councilman McIntyre, seconded by Councilman Puette, the following resolution was unanimously adopted:

RESOLUTION RELATING TO THE
PURCHASE OF COAL FOR THE
1946-47 SEASON.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

WHEREAS, numerous coal dealers have been communicated with in regard to supplying coal to the City for the ensuing year, and it has been ascertained that coal cannot be obtained upon bids; and

WHEREAS, existing post war conditions make it impossible for the City to purchase its coal requirements if the usual formalities of bids, bid bonds or performance bonds are insisted on; and

WHEREAS, the supply of coal available to be purchased by the City is scarce and difficult to find:

NOW, THEREFORE, BE IT RESOLVED:

1. That the City Council finds that there exists a special emergency involving the health and safety of the people and their property with respect to the coal situation as above outlined;
2. That the City Manager be, and he is authorized to purchase coal for the 1946-47 season up to, but not exceeding, a total cost of \$8,500.00, without advertising for bids or requiring bid bonds or performance bonds, such waiver of formalities being authorized by law in the case of the emergency which is hereby found to exist.
3. That the City Manager be, and he is, directed immediately after each purchase of coal to report to the City Council the amount of the coal purchased, the price paid for same and the person from whom the purchase has been made.

RESOLUTION REGARDING PAVING OF CUMBERLAND AVENUE ADOPTED ON FIRST READING.

The following resolution was presented and read:

RESOLUTION REGARDING PAVING
CUMBERLAND AVENUE TO CONNECT
FREEDOM PARK WITH THE PRESENT
PAVING THEREON.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

THAT WHEREAS, Freedom Park is a public park within the City of Charlotte and designed to add greatly to the recreation facilities of the City, and

WHEREAS, it is in the public interest that Cumberland Avenue be improved by putting culverts in the creek that crosses the same, grading said avenue, providing for proper drainage facilities and paving said Cumberland Avenue from the end of the pavement thereon near Clayton Drive to Freedom Park across the intersection of Cumberland Avenue with Lilac Road, as shown upon the report of Lloyd Ross, City Engineer, with respect thereto.

NOW, THEREFORE, BE IT RESOLVED that such improvement be made in accordance with said report of the City Engineer at a cost of not exceeding \$10,838.32, which said sum shall be paid by the City of Charlotte and none of the cost of which shall be assessed against adjacent property owners, and

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BE IT FURTHER RESOLVED that there be appropriated \$10,838.32 from the Street Bond funds to pay for the same.

Councilman Hinson moved the adoption of the resolution, and that the said improvement to Cumberland Avenue be place in its respective place on the list of similar items for improvement previously approved by Council. Motion seconded by Councilman Childs, and unanimously carried, and the resolution was adopted on its first reading.

STATE HIGHWAY COMMISSION AUTHORIZED REQUESTED TO REROUTE ROAD FROM MORRIS FIELD.

Councilman McIntyre moved that the State Highway Commission be requested to re-route the road from Morris Field over west Boulevard at the city limits to a connecting highway and to construct the connecting link between Wilmore Drive and West Boulevard to West Boulevard and Cliffwood Place, and that the cost be paid out of funds allocated to the City of Charlotte by the State Highway Commission. Motion seconded by Councilman Hinson, and unanimously carried.

CONSTRUCTION OF SANITARY SEWER IN POINDEXTER DRIVE AUTHORIZED.

Councilman McIntyre moved that the construction of a sanitary sewer in Poindexter Drive be authorized, from Sedgfield Road approximately 670 feet towards South Boulevard, at an estimated cost of \$987.80, as requested by Marsh Land Company. Motion seconded by Councilman Puette, and unanimously carried.

PLAT OF "PLAZA FOREST" SUBDIVISION APPROVED.

Upon motion of Councilman McIntyre, seconded by Councilman Hinson, the plat of Plaza Forest subdivision, located on the southeasterly side of Plaza Road, near the Plaza School, and owned by J. C. Baugh, 417 Wilder Building, was unanimously approved.

PLAT REVISING PART OF STREET SYSTEM OF "DOUGLAS TERRACE" SUBDIVISION APPROVED.

Motion was made by Councilman McIntyre, duly seconded by Councilman Hinson, and unanimously carried, approving the plat revising part of the street system of Douglas Terrace subdivision, located near Statesville Avenue, Druid Hills, Edison Heights and Fordson Avenue, and owned by Nat G. Spier, 130 East 4th Street.

BID OF CHARLOTTE WILLYS COMPANY FOR JEEP REJECTED.

Councilman Childs moved that the bid of Charlotte Willys Company, submitted on August 14, 1946, to furnish One Jeep at a price of \$1,427.23 be rejected, as recommended by the City Manager. Motion seconded by Councilman Newson, and unanimously carried.

RESOLUTION RELATIVE TO PURCHASE OF AUTOMOTIVE EQUIPMENT ADOPTED SUBJECT TO APPROVAL OF CITY ATTORNEY.

Councilman McIntyre moved the adoption of the following resolution, subject to the approval of the City Attorney. Motion seconded by Councilman Newson, and unanimously carried:

RESOLUTION RELATING TO THE
PURCHASE OF AUTOMOTIVE EQUIPMENT.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

WHEREAS, on August 14, 1946, the City advertised for automotive equipment and no bids were received; and

WHEREAS, existing post war conditions make it impossible for the City to purchase automotive equipment if the usual formalities of bids, bid bonds or performance bonds are insisted upon; and

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WHEREAS, the automotive equipment needed to be purchased by the City is scarce and difficult to find;

NOW, THEREFORE, BE IT RESOLVED:

1. That the City Council finds that there exists a special emergency involving the health and safety of the people and their property because of the lack of proper automotive equipment;
2. That the City Manager be and he is authorized to purchase automotive equipment not to exceed the amount of money therefor provided in the 1946-47 budget, without advertising for bids or requiring bid bonds or performance bonds, such waiver of formalities being authorized by law in the case of the emergency which is hereby found to exist.
3. That the City Manager be and he is directed immediately after the purchase of each piece of automotive equipment to report to the Council the number of units purchased, the price paid for same, and the person or firm from whom the purchase was made.

BID OF ELGIN SWEEPER COMPANY FOR FURNISHING STREET SWEEPER REJECTED.

Councilman Hinson moved that the bid of the Elgin Sweeper Company for street sweeper, at a price of \$7,940.00 be rejected, as recommended by the City Manager. Motion seconded by Councilman Childs, and unanimously carried.

CONTRACT FOR SANITARY SEWER CONSTRUCTION AWARDED BOYD & GOFORTH, INC.

Councilman Hinson moved that contract be awarded the low bidder, Boyd & Goforth, Inc., for construction of sanitary sewers in Spratt Street, Woodside Avenue, Lunsford Place, Duncan Avenue, Drummond Avenue, Ideal Way and Springdale Avenue, at an installed price of \$13,214.81. Motion seconded by Councilman Puette, and unanimously carried.

BID OF ELGIN SWEEPER COMPANY FOR EDUCTOR REJECTED.

Motion was made by Councilman Childs, duly seconded by Councilman McIntyre, and unanimously carried, that bid of Elgin Sweeper Company for furnishing an Eductor, at a price of \$13,663.00, be rejected, as recommended by the City Manager.

CONTRACTS AND PURCHASES AUTHORIZED.

Councilman McIntyre moved that the following contracts and purchases be authorized, and funds appropriated if necessary. Motion seconded by Councilman Puette, and unanimously carried:

- a. Purchase of One 24-inch Power Mower from E. J. Smith Company, in the sum of \$196.44.
- b. Purchase of One Typewriter from Underwood Corporation, in the sum of \$104.78, for the City Clerk.

PROTEST AGAINST "BOTTLENECK" AT WELLESLY AVENUE AND REMOVAL OF TREES IN WIDENING OF SELWYN AVENUE, BY J. LAWRENCE JONES.

The City Manager advised a letter had been received from Mr. J. Lawrence Jones relative to the traffic hazard created by the "bottle-neck" being made at Wellesly Avenue and protesting the removal of trees in front of his property, in the widening of Selwyn Avenue by the State Highway Department, and requesting a hearing in the matter. The City Manager advised that investigation of the matter disclosed that the removal of only two trees was contemplated by the State Highway Department and those were not in front of the property of Mr. Jones.

Mr. Jones was not present at the Council Meeting, and no action was taken in the matter by the Council.

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SPECIAL OFFICER PERMIT GRANTED CLAY MCCLELLAN AT CENTRAL MOTOR LINES, INC.

Upon motion of Councilman McIntyre, seconded by Councilman Hinson, a Special Officer Permit was unanimously granted Mr. Clay McClellan on the premises of Central Motor Lines, Inc.

REQUEST FOR CONFIRMATION OF SALE OF PROPERTY AT 111-17 NORTH POPLAR STREET BY MR. THOMAS SHELTON DEFERRED.

Mr. Henry Dockery, Attorney, appeared before Council and stated his client had just been advised that Council had deferred the confirmation of his bid at public auction on August 5th of the property at 111-17 North Poplar Street, and his client wished his bid withdrawn unless the sale was confirmed today. Mr. Dockery urged the acceptance of the sale.

Mr. Thomas M. Shelton appeared with Mr. Dockery at this time, and stated the high bid of \$52,500.00 on the property was ~~in fact placed by him~~ through Mr. Ed Reames, and he urged that the bid be confirmed. He stated he owned the balance of the property surrounding the property in question owned by the city, that all of this property had been in his family for a long time and he wished to retain it; that if the purchase was confirmed he would make a portion of it available for a public parking lot, and that he would make a substantial donation to the Veterans for a Center at another location. Mr. Shelton censured the Council for reconsidering the acceptance of the bid. He was advised by the Mayor and Councilman Newson that this was the first request the Veterans had made publically that the property be retained since it had been offered for sale, that it was the desire of Council to be fair to all interested citizens, and they had, therefore, agreed to consider the ~~Watters request~~ request for one week only. He was also advised that a decision would be rendered as to what disposition would be made of the property at the Council Meeting next week.

UNANIMOUS CONSENT GIVEN THE PRESENTATION OF ITEMS NOT INCLUDED IN THE DOCKET.

Upon motion of Councilman Hinson, seconded by Councilman Childs, the unanimous consent of Council was given the presentation of items not included in the docket.

ORDINANCE APPOINTING HENRY A. YANCEY AS CITY MANAGER.

An ordinance entitled, "AN ORDINANCE APPOINTING HENRY A. YANCEY AS CITY MANAGER" was presented and read. Councilman Childs moved the adoption of the ordinance. Motion seconded by Councilman Puette, and unanimously carried. The ordinance is recorded in full in Ordinance Book 9, at Page 401.

L. L. LEDBETTER APPOINTED TO PERFORM DUTIES OF CITY MANAGER.

Councilman McIntyre moved that during the temporary situation created by the resignation of R. W. Flack, City Manager, and until Henry A. Yancey takes over the duties of the Office of City Manager, on or about October 1, 1946, L. L. Ledbetter in addition to his duties as City Treasurer shall perform all the duties of City Manager, effective August 21, 1946. Motion seconded by Councilman Childs, and unanimously carried.

RESOLUTION RELATIVE TO THE RESIGNATION OF R. W. FLACK, CITY MANAGER.

Councilman Childs moved the adoption of the following resolution. Motion seconded by Councilman Hinson, and unanimously carried:

**RESOLUTION RELATIVE TO THE
RESIGNATION OF R. W. FLACK,
CITY MANAGER.**

WHEREAS, R. W. Flack has informed the City Council of his resignation as City Manager in order to accept a similar position at Durham; and

WHEREAS, the Council session of this date is the last which

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Mr. Flack will attend.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council go on record as expressing their appreciation for the services rendered by Mr. Flack during his five-year tenure of office, and extending to him their personal well wishes for success and happiness in his new assignment.

SALE OF CEMETERY LOTS.

Councilman Hinson moved that the sale and transfer of the following cemetery lots be approved, and the Mayor and City Clerk be authorized to execute the deeds therefor. Motion seconded by Councilman Newson, and unanimously carried:

Transfer to W. B. and W. K. Lindsay, from M. N. Morris and wife, Mrs. Ila Morris, of southwest 1/4 of Lot 33, in Section ", Elmwood Cemetery, at \$1.00.

Perpetual Care on north half of Lot 41, in Section U, Elmwood Cemetery, to T. J. Meyer, Sr., at \$57.50.

To Heirs of Charley Caldwell, duplicate deed for south half of Lot 107, Section Johnson Annex, Pinewood Cemetery, at \$1.00.

ADJOURNMENT.

Upon motion of Councilman Hinson, seconded by Councilman Childs, the meeting was adjourned.

Leelee R. Hafforan
City Clerk