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Regular weekly meeting of the City Council, held in the Council Chamber, City Hall, Wednesday, July 10, 1940, at 4 o'clock P. M., with Mayor Douglas presiding and Councilmen Barter, Britt, Hudson, Huntley, Little, Nance, Sides, Albea and Wilkinson being present.

Absent: Councilmen Hovis and Ward.

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MINUTES OF PREVIOUS MEETING READ AND APPROVED.

On motion of Councilman Huntley, seconded by Councilman Albea, the minutes of the meeting of July 3rd. were approved as read.

COLORED CITIZENS PROTESTING CLOSING OF FAIRVIEW SWIMMING POOL.

A large delegation of negro citizens from the Negro Citizens League appeared before the Council at this time in protest of the closing of the Fairview Swimming Pool, for negroes, and asked the support of the Council in securing adequate playground and park facilities for their race and a more equitable method of distributing park and playgrounds funds.

A number of speakers were heard, including Dr. R. L. Anderson, Vice President of the Negro Citizens League and head of the Department of Biology at Johnson C. Smith University, Rev. J. S. Nathaniel Tross and Paul H. Richardson.

Copies of a letter addressed to the Council from the Charlotte Negro Citizens League was furnished each member. This letter contained the following resolution adopted by the League:

- Whereas, there are no adequate playground facilities for Negroes in Charlotte; and
- Whereas, playgrounds are known to check crime and to be a definite benefit to health and happiness; and
- Whereas, the Negro population is approximately one-third of the total population of Charlotte; and
- Whereas, Negroes pay directly and indirectly taxes on playgrounds and parks for Charlotte; and
- Whereas, the Park and Recreation Commission apparently has not dealt equitably with the distribution of funds,

Be it Resolved that (1) the City Council of Charlotte be asked to make definite steps immediately to amend the woefully inadequate playground and park facilities for Negroes and (2) that a more equitable method of distributing park and playground funds be established.

Paul Richardson stated that the pool had been condemned by the State Health Department Inspector because of unsanitary conditions, and pointed out that most of this was due to the condition of the bathhouse, which leaked badly and caused a dampy moldy condition in the dressing rooms.

After hearing the above delegation, Councilman Barter stated that it appeared that they were not receiving their share of playground facilities and that he thought the City Council should help them by seeing that they got fair treatment.

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Councilman Baxter then moved that the Council request an answer from the Park and Recreation Commission as to why they are not making an effort to re-open this pool and just what has to be done to make it sanitary for re-opening. This motion was seconded by Councilman Albea.

Councilman Britt offered as a substitute motion that a committee from the Council be appointed to contact and offer cooperation to the Park and Recreation Commission to see what can be worked out.

A discussion followed, Councilman Hudson stating that the Park and Recreation Commission had no money with which they could do anything, that they were badly in the hole already. Councilman Wilkinson stated he was in sympathy with the negro population, and suggested that a committee from the Council meet with a committee from the Park and Recreation Commission and from this group of colored citizens in an effort to work the matter out, even if temporary measures had to be taken this summer. Councilman Baxter felt that all this would slow matters up. After the above discussion, Councilman Albea seconded the substitute motion and the motion, when put to a vote, carried unanimously.

The Mayor appointed on this committee Councilman Wilkinson as Chairman, Councilmen Baxter and Britt as the other two members.

PROTEST BY RESIDENT OF WEST WORTHINGTON AVENUE AGAINST "NO PARKING" ORDINANCE ON THAT STREET.

Mr. W. C. Ferguson, a resident of West Worthington Avenue, asked the Council why the ordinance was adopted last week prohibiting parking entirely on certain blocks of West Worthington Avenue. Mr. Ferguson stated that he lived on this street, was in no way connected with the Nebel Knitting Mills, and that when he had visitors to his home they had no place to park their cars, since the driveway between his house and the adjoining house was used by both families and could not be blocked by his guests.

Mayor Douglas explained that this ordinance was a temporary measure to take care of the situation at the Nebel Knitting Mills during the strike; that the Police Department had asked that this be done in order to prevent the throwing of missiles from behind parked cars.

STRIKE COMMITTEE ALSO PROTESTED "NO PARKING" ON THIS STREET.

A member of the Strike Committee of the Nebel Knitting Co., also appeared in protest of this ordinance and read a letter from the Strike Committee regarding the matter. This letter set forth that the strikers have set up headquarters at 110 W. Worthington Avenue, where food and commodities are distributed daily and that it worked a hardship on the strikers who had to carry large bags of food supplies to their cars.

After hearing the above, no action was taken by the Council.

REQUEST FOR REFUND OF DEPOSIT ON WATER LINE DEFERRED FOR FURTHER INFORMATION.

Mr. Armstrong presented a request from John Crosland Co., that their deposit for water line in Wilmount Road, in the amount of \$1,052.50 be refunded since the revenue from this line has now amounted to more than 5% of the investment, within a nine months period. The contract carried a one year clause to make reasonably sure that houses built would be occupied by the owner or responsible tenants on a permanent basis to insure a 5% return. He stated that while this contract still had three months to run, the Superintendent of the Water Department stated that to all intent and purposes the contract has now been complied with

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and that Mr. Vest recommended that the refund be made.

Councilman Baxter made a motion that the refund be made, but after discussion as to why this contract called for 5% return on investment instead of the usual 10%, the motion was withdrawn and the matter held over for one week for further information on same.

#### EXTENSIONS OF SANITARY SEWERS.

On motion of Councilman Baxter, seconded by Councilman Little, authority was given for the extension of 8" sanitary sewer on North Laurel Avenue, between Vail and Crescent Avenues, 42-feet, to serve one apartment house and estimated to cost \$49.72. This was on request of Mr. Arthur Goodman.

On motion of Councilman Wilkinson, seconded by Councilman Britt, approval was given on the request of S. F. Godfrey, 221 N. Sycamore Street, R. E. Lyles, 1621 Parson Street, and H. F. Severs, 1601 Sumter Ave., that the 8" sanitary sewer be extended from Sumter Street, 141 feet towards Bruns Avenue, to serve two houses now erected; the estimated cost of this work being \$269.06.

Councilman Hudson, seconded by Councilman Wilkinson, moved that the request of Mr. H. C. Fisher, 3025 Whiting Avenue, that the 8" sanitary sewer be extended in Whiting Avenue, from Wesley Avenue to Greene Avenue, a distance of 370 feet, to serve two houses already started, be approved. Estimated cost of this extension \$299.20.

On motion of Councilman Hudson, seconded by Councilman Wilkinson, extension of 8" sanitary sewer in Clemson Avenue, from Wesley Avenue to Greene Avenue, a distance of 403 feet, to serve two houses now started and estimated to cost \$353.98, was also approved for H. C. Fisher.

#### CONDEMNATION OF PROPERTY FOR WIDENING OF EAST TENTH AND EAST ELEVENTH STREETS.

On motion of Councilman Huntley, seconded by Councilman Hudson, the following Resolution was unanimously adopted:

#### R E S O L U T I O N

WHEREAS, by appropriate action the City Council of the City of Charlotte has heretofore decided that it is necessary in the public interest to improve and widen East Eleventh Street and East Tenth Street in the City of Charlotte from North Tryon Street to Central and Louise Avenues, and

WHEREAS, the City of Charlotte through its governing body, the City Council, has heretofore and does hereby authorize and instruct its proper officers and agents to acquire the necessary right of way for the widening of said streets in accordance with plans and map on file in the office of the City Engineer, and

WHEREAS, T. A. Little and wife, Pearle Little, and John S. Ward, single, own a parcel or tract of land on the northern side of East Tenth Street in the City of Charlotte subject to a deed of trust to T. C. Abernathy, Trustee for the Home Owners Loan Corporation, and described as follows: In the City of Charlotte, North Carolina,

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BEGINNING at a stake at the outside back, or northerly edge of a concrete sidewalk on the present northerly edge of East 10th Street on the dividing lot line between the properties of the Home Owners Loan Corporation and the Orr Land Co., which stake is 278 feet as measured easterly along the northerly edge of present East 10th Street from the northeasterly street intersection corner of East 10th St. and Seigle St.; thence in an easterly direction with the present northerly edge of a concrete sidewalk which is the present northerly edge of East 10th Street with an irregular curve an arc distance of 104 feet more or less, to a stake on the dividing lot line between the properties of the Home Owners Loan Corp. and Mrs. Sallie E. Cruse; thence in a northerly direction with the said Loan Corp. and Cruse lot line 10.66 feet to a stake; thence in a westerly direction with a proposed northerly edge of a new concrete sidewalk, the proposed new northerly edge of East 10th Street with a curve to the right having a radius of 544.98 feet, an arc distance of 104.23 feet to a stake on the dividing lot line between the properties of the said Home Owners Loan Corp. and Orr Land Co.,; thence in a southerly direction with the said Loan Corp. and Orr Land Company's lot line 17.18 feet to the BEGINNING, and containing 1,710 square feet more or less, and being a strip of land off of the southerly front of a lot on the northerly edge of East 10th Street as recorded in Book 921, Page 325 in the Office of the Register of Deeds for Mecklenburg County, N. C., and all as shown on a map filed E-I-27 in the City Engineer's Office, Charlotte, N. C., to which references are hereby made.

AND WHEREAS, I. Arenson and wife, Lillie Arenson, are the owners of a tract or parcel of land in the City of Charlotte on the southerly side of East Tenth Street described as follows:

BEGINNING at a stake in the southerly edge of East Tenth Street, which stake is approximately 120 feet in an easterly direction from the corner made by the intersection of East Tenth Street and Jackson Avenue and runs thence along the southerly edge of East Tenth Street in an easterly direction approximately 157 feet to a stake in the western edge of an alley; thence along the western edge of said alley in a southwesterly direction 5.44 feet to a stake; thence in a westerly direction 151.68 feet to a stake in the property of Mrs. Etta Peeler; thence in a northerly direction 1.92 feet to the point of BEGINNING.

AND WHEREAS, R. H. Atkinson and wife, Sara Elizabeth Atkinson, are the owners of a tract or parcel of land on the northerly side of East Tenth Street in the City of Charlotte and described as follows:

BEGINNING at a stake at the northwest corner made by the intersection of East Tenth Street and Louise Avenue and runs thence along the western edge of Louise Avenue in a northerly direction 4.05 feet to a stake; thence in a westerly direction almost parallel with East Tenth Street 104.59 feet to a stake in the Surratt

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property; thence in a southerly direction 4.88 feet to a stake in the northerly edge of East Tenth Street as the same now exists; thence along the northerly edge of East Tenth Street as the same now exists in an easterly direction 104.29 feet to the point of BEGINNING.

AND WHEREAS, R. D. James and wife, Coralee James, are the owners of a tract or parcel of land in the City of Charlotte on the northerly side of East Eleventh Street described as follows:

BEGINNING at a stake in the northerly edge of East Eleventh Street as the same now exists, which is the northwest corner of East Eleventh Street and North Brevard Street, and runs thence along the northwesterly edge of North Brevard Street in a northerly direction 8.33 feet to a stake; thence in a westerly direction approximately 125 feet to a stake; thence in a southerly direction 8.15 feet to a stake and the northerly edge of East Eleventh Street as the same now exists; thence along the northerly edge of East Eleventh Street as the same now exists in an easterly direction 125 feet to the point of BEGINNING.

AND WHEREAS, C. S. Eskridge and wife, Emma G. Eskridge, or their heirs, A. H. Eskridge and others, are the owners of a tract or parcel of land in the City of Charlotte on the southerly side of East Eleventh Street, described as follows:

BEGINNING at a stake at the southeast corner made by the intersection of North Davidson Street and East Eleventh Street as the same now exists and runs thence in a southerly direction along the eastern edge of North Davidson Street 8.23 feet to a stake; thence in an easterly direction almost parallel with the southerly edge of East Eleventh Street as the same now exists 98 feet to a stake; thence in a northerly direction 9.58 feet to a stake in the southerly edge of East Eleventh Street as the same now exists; thence along the southerly edge of East Eleventh Street as the same now exists in a westerly direction 98 feet to the point of BEGINNING.

AND WHEREAS, Mrs. Mattie S. Fraley, widow, and C. E. Fraley and wife, and others, are heirs at law of J. B. Fraley, deceased, and are the owners of a tract or parcel of land in the City of Charlotte on the southerly side of East Eleventh Street described as follows:

BEGINNING at a stake in the southerly side of East Eleventh Street as the same now exists, which stake is 99 feet in an easterly direction from the corner made by the intersection of East Eleventh Street and North Alexander Streets and runs thence along the southerly edge of East Eleventh Street as the same now exists in an easterly direction 99 feet to a stake in the Gibbon property; thence along the dividing line of the Gibbon property in a southerly direction 25.78 feet to a stake; thence in a curved line in a westerly direction 99.37 feet to a stake in the Mary Hartman McKee property; thence in a northerly direction 9.81 feet to a stake in the southerly edge of East Eleventh Street as the same now exists to the point of BEGINNING.

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AND WHEREAS, the governing body of the City of Charlotte does hereby determine and find as a fact that it is necessary to acquire title to the foregoing parcels or tracts of land for the purpose of widening East Tenth Street and East Eleventh Street, and that the same is necessary for public interest, and

WHEREAS, the governing body of the City of Charlotte, through its authorized agents and officers, has made a fair and reasonable offer to the owners of said property to purchase the same, but they have been unable to reach an agreement for the purchase of the said property at the price offered which is considered fair and reasonable, and also on account of the inability and incompetency of certain of the interested parties to make such an agreement and to convey title.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the City of Charlotte in regular session that it is necessary in the public interest to acquire title to the foregoing described parcels of land for the purpose of widening the said streets and that this is in the public interest.

AND IT IS HEREBY FURTHER RESOLVED by the City Council of the City of Charlotte that the said lands above described are necessary for said street widening purposes and that it is necessary to condemn said lands under the power of eminent domain as provided by law for said purposes.

And the City Council of the City of Charlotte does hereby order and direct said lands above described to be condemned under the law of eminent domain for said purposes.

CITY ATTORNEY AUTHORIZED TO MAKE OFFER ON LAND FOR EXTENSION OF RUNWAYS AT MUNICIPAL AIRPORT.

On motion of Councilman Wilkinson, seconded by Councilman Albea and unanimously carried, the City Attorney was authorized to make an offer of \$175.00 per acre for land necessary at the Municipal Airport for the extension of runways, without going through condemnation proceedings, now pending; this money to be paid out of the funds on hand to be used for this purpose.

Mr. Scarborough stated that he felt reasonably sure that a settlement at this price could be effected.

CEMETERY DEED.

On motion of Councilman Huntley, seconded by Councilman Albea, deed was authorized to be issued to J. R. and W. C. Brown, for the South Half of Lot No. 42, in Section "B.B." Elmwood Cemetery, at the price of \$49.00.

ADJOURNMENT.

On motion of Councilman Hudson, seconded by Councilman Britt, the meeting adjourned.

*Alice B. McConnell*  
City Clerk