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SEWER LINE INSTALLATION IN PORTLAND AND HAMPTON AVENUES.

On motion of Councilman Albea, seconded by Councilman Slye and unanimously carried, the Mayor and Clerk were authorized to sign a contract with R. O. Caldwell and wife, Lois Bundy Caldwell, for sewer main installation in Portland and Hampton Avenues, at a cost of \$1,782.55; Mr. and Mrs. Caldwell agreeing to post certified check for this amount with the City, which will be refunded to them if and when nine houses are built and served by this sewer main.

WATER MAIN INSTALLATION - HAMPTON AVENUE.

On motion of Councilman Albea, seconded by Councilman Baker, approval was also given for the entering into of a contract between R. O. Caldwell and wife, Lois Bundy Caldwell, for water main in Hampton Avenue; estimated to cost \$1,194.00, the applicants agreeing that monthly revenue payments shall equal 10% of the cost of laying said mains.

WATER LINE IN FORDSON AVENUE.

On motion of Councilman Albea, seconded by Councilman Baker, the Mayor and Clerk were authorized to sign a contract with S. E. Messner and wife, Mary B. Messner, for installation of a 6" water main as an extension in Fordson Avenue and Edison Street, estimated to cost \$1,956.00; the applicants likewise agreeing that monthly revenue from this main shall equal 10% of the cost of laying said main.

CEMETERY DEEDS.

On motion of Councilman Ward, seconded by Councilman Albea, the transfer of Lot No. 101 in Section "T" from the Heirs of C. C. West, being J. H. Hoffman (widower) and Mrs. Gladys H. Justus and husband, David W. Justus, and Theodore Smith, Executor of the Estate of Mrs. J. H. Hoffman, to D. E. Henderson; \$1.00 transfer fee paid; was authorized.

Also, Lot No. 203, Section "Y", to Mrs. J. T. Fitzgibbons \$35.00

ADJOURNMENT.

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

Alice B. McConnell
City Clerk

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The City Council met in regular weekly session at 4 o'clock P.M., in the Council Chamber, City Hall, with Mayor Currie presiding and Councilmen Albea, Baker, Beasley, Daughtry, Hovis, Little, Painter, Price, and Ross being present.

Absent: Councilmen Slye and Ward.

NOTICE OF CLAIM OF LILLIE DRAKEFORD VS. CITY OF CHARLOTTE FILED.

Mr. John Newitt, Attorney, filed formal notice of claim of Lillie Drakeford against the City of Charlotte, for alleged personal injuries sustained by falling into opening caused by defective meter box lid, in front of property at 315 South Caldwell Street, in the amount of \$3000.00. This was referred to the City Attorney for handling.

STREET TO BE MARKED OFF AND CLOSED FOR SOAP BOX DERBY.

On motion of Councilman Hovis, seconded by Councilman Baker and unanimously carried, a portion of Euclid Avenue is to be marked off for use of the Soap Box Derby.

ARMORY TO BE USED FOR MOODY BIBLE INSTITUTE OCT. 7TH. THRU 11TH. FREE OF CHARGE.

Rev. E. A. Dillard requested free use of the Armory-Auditorium for a Bible Conference to be held by the Moody Bible Institute of Chicago, October 7th. through 11th., and upon motion of Councilman Albea, seconded by Councilman Beasley and carried, this requested was granted.

PROTEST AGAINST USE OF VENDING MACHINES ON CITY PROPERTY.

Mr. Jack Hoover made formal protest against the use of vending machines on City property, particularly the Coca-Cola and cigarette vending machines now in use in the Police Department; stating that he felt this was not in fair competition to the merchants, and after some discussion, Councilman Beasley made a motion that all vending machines be removed from all City property on the grounds that they are in direct competition with tax paying merchants. This motion seconded by Councilman Little and carried.

MINUTES APPROVED WITH CORRECTION RELATIVE TO AWARD OF CONTRACT FOR METER BOXES.

The minutes of the meeting of July 2nd. were approved as read, with correction made regarding the contract to the Morgan Heater Co. Inc., for meter boxes, which should have shown that the contract was held up for one week, pending investigation as to type of iron used in these meter boxes.

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RESOLUTION APPOINTING H. B. CAMPBELL CITY ATTORNEY.

Upon motion of Councilman Albea, seconded by Councilman Ross, the following resolution was unanimously adopted:

Whereas, the City Council deems it preferable and desirable in the public interest that there be two City Attorneys to the end that the legal business of the City may at all times be expeditiously handled, and, whereas, the City Attorney, C. W. Tillett, is in partnership with H. B. Campbell and these attorneys are willing to act as City Attorneys for the compensation ordered to be paid to C. W. Tillett, as City Attorney.

NOW, THEREFORE, be it resolved that H. B. Campbell be appointed as City Attorney in addition to C. W. Tillett and that the compensation for the services of these two shall be the amount heretofore ordered paid to C. W. Tillett, same to be paid by checks made out to the order of Tillett and Campbell.

CHARGE TO BE MADE FOR ARMORY-AUDITORIUM IN FUTURE.

Councilman Ross stated in connection with the use of the Armory-Auditorium by organizations, whether business or charitable, that he felt the City was entitled to charge for the cost of operation of the Auditorium, such as lighting, heat, etc., and that he was opposed in the future to granting any free use of the Armory regardless of the type of organization or purpose of the use of same, and made a motion that on all future requests for the use of the building, business, charitable or otherwise, that a charge for the cost of operation be made; \$15.00 for summertime use and \$20.00 for use when heat is required. This motion seconded by Councilman Price and carried.

RESOLUTION APPOINTING SPECIAL PEACE OFFICERS.

Councilman Beasley, Chairman of the Police and Fire Committee, reported that the Special Colored Peace Officers had been selected and also the boundaries, areas, etc. to be served by these officers, and that the monthly salary for these two men was recommended to be set at \$100.00 per month each.

Councilman Ross suggested that these salaries be set at \$85.00 per month to begin with, but after much discussion, during which it was brought out that the budget for the fiscal year 1941-42 contained \$2400.00 to cover these salaries, it was suggested that the amount of \$100.00 per month be inserted in the resolution to be presented, and on motion of Councilman Beasley, seconded by Councilman Baker, the following resolution was adopted on three readings, with a vote of six affirmatives and three negatives on each reading; Councilmen Albea, Hovis and Little voting against the adoption of the resolution:

WHEREAS, the areas hereinafter described in this resolution are largely inhabited by persons of the Negro race, and, whereas, the Council finds and declares it to be a fact that it is necessary and expedient for the maintenance and promotion of the public peace, good government, morals and welfare of the City that special peace officers who are Negroes be appointed to police and guard the public and private premises within the said areas;

NOW, THEREFORE, BE IT RESOLVED:

1. That Armstead M. Houston and James S. Ross be, and

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they hereby are, appointed special peace officers under section 66 of the Charlotte of the City of Charlotte, being Chapter 366 of the Public-Local Laws of 1939.

2. That they shall hold said positions during the pleasure, and at the discretion, of the Council, but not longer than one year from this date, July 9, 1941.

3. That their compensation, to be paid by the City, shall be, and it is hereby, fixed at \$100.00 per month, payable semi-monthly.

4. That they shall, subject to the general supervision and direction of the Chief of Police of the City, police and guard the public and private premises within the following boundaries:

I.

BIDDLEVILLE-GREENVILLE SECTION.

BEGINNING at the west line of Oaklawn Cemetery where same intersects with the City Limits, and runs thence westerly with the City Limits to corner on Stewart's Creek; thence with Stewart's Creek in a southerly direction to the north side of West Trade Street; thence in an easterly direction with the north side of West Trade Street to Martin Street; thence with the northwesterly side of Martin Street in a northeasterly direction 200 feet; thence in a southerly direction parallel to, and 200 feet from, West Trade Street to the east side of North Summit Avenue; thence with the east side of North Summit Avenue in a northerly direction to the roadway leading into West Pinewood Cemetery; thence with the south edge of said roadway to the line of West Pinewood Cemetery; thence two calls in a southerly and an easterly direction with the boundaries of West Pinewood Cemetery to Erwin's Creek; thence with Erwin's Creek in a northerly direction to the South side of the S.A.L. Railway tracks; thence in an easterly direction with the south side of the S.A.L. Railway tracks to the east side of Johnson Street; thence with the east side of Johnson Street in a northerly direction to the south side of Canton Street; thence with the south side of Canton Street in an easterly direction to the east side of Vogle Street; thence in a northerly direction with the east side of Vogle Street to the north side of Snowball Street; thence with the northside of Snowball Street in an easterly direction to the east side of McCall Street; thence in a northerly direction with the east side of McCall Street to the south side of Forest Street; thence in a southwesterly direction to the northwest corner made by the intersection of Spring and Johnson Streets; thence with the north side of Spring Street in a westerly direction to the west side of Pharr Street; thence in a northerly direction with the west side of Pharr Street to the north side of Oaklawn Avenue; thence in a northerly direction with the eastern boundary of the Fairview Homes Development to the branch which leads from the Ford plant into Erwin's Creek; thence with said branch in a westerly direction to Erwin's Creek; thence in a southerly direction with Erwin's Creek to the north side of Oaklawn Avenue; thence with the north side of Oaklawn Avenue to the west boundary of Oaklawn Avenue of Oaklawn Cemetery; thence with the western boundaries of Oaklawn Cemetery to the City Limits, the point of BEGINNING.

II.

BROOKLYN SECTION

BEGINNING at the northwest corner of South Brevard and East Third Streets, and running in a southerly direction with the west side of South Brevard Street to the north side of Boundary Street; thence in a westerly direction with the north side of Boundary Street, or its extension,

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in a straight line to the east side of the Southern Railway Tracks; thence with the east side of said tracks in a southerly direction to the north side of East Hill Street; thence with the north side of East Hill Street to the east side of Brevard Street; thence with the east side of Brevard Street in a southerly direction to the north side of Liberty Street; thence with the north side of Liberty Street to the east side of Caldwell Street; thence with the east side of Caldwell Street in a northerly direction to the south side of Hill Street; thence with the south side of Hill Street in an easterly direction to the east side of Davidson Street; thence with the east side of Davidson Street in a northerly direction to a branch which intersects Davidson Street about 200 feet north of Kent Street; thence in an easterly direction with the meanderings of said branch to its intersection with East Vance Street; thence due south to the south side of East Vance Street; thence with the south side of East Vance Street in an easterly direction to the west side of Congo Street; thence with the west side of Congo Street in a southerly direction to the south side of Ridge Street; thence with the south side of Ridge Street in an easterly direction to the east or northeast side of Cobway Street; thence with said side of Cobway Street in a northerly direction to the south side of Congo Street; thence in an easterly direction with the south side of Congo Street to its terminus; thence in a straight line and in a northeasterly direction to the south terminus of Pearl Street on the east side of said street, which is a corner in the line of the Thompson Orphanage Property; thence in a northerly direction with the various western boundaries of the Thompson Orphanage Property to the point where the north side of East Third Street extended would intersect with the westerly boundary of the Thompson Orphanage property; thence in a straight line to the north side of East Third Street and continuing with said side of said street in a westerly direction to the BEGINNING.

III.

COLORED SECTION OF FIRST WARD.

BEGINNING at a point on the south side of the S.A.L. Railway Tracks where they intersect with the west side of Alexander Street, and runs thence in an easterly direction with the south side of said tracks to Sugar Creek; thence with the meanderings of Sugar Creek in a southerly direction to the south side of East Fifth Street; thence with said side of Fifth Street in a westerly direction to the east side of Long Street; thence in a northerly direction with said side of Long Street to its intersection with the branch which crosses Long Street between Fifth and Sixth Streets; thence with the said branch in a westerly direction to its intersection with the east side of McDowell Street; thence in a straight line to the southwest corner of the intersection of Sixth Street with McDowell Street; thence with the south side of Sixth Street in a westerly direction to the west side of Davidson Street; thence with the west side of Davidson Street in a northerly direction to the south side of East Seventh Street; thence in a westerly direction with the south side of East Seventh Street to the west side of Caldwell Street; thence in a northerly direction with said side of Caldwell Street to the branch which intersects Caldwell Street between Eighth and Ninth Streets; thence in an easterly direction with said branch to its intersection with the north side of East Eighth Street; thence with the north side of East Eighth Street to the west side of Alexander Street; thence in a northerly direction with the west side of Alexander Street to the S.A.L. Railway Tracks, the point of BEGINNING.

IV.

CHERRY TOWN

BEGINNING at a point on the west side of Cecil Street opposite the north side of East First Street, which is a point in the line of the Thompson Orphanage Property, and runs thence in a southerly direction with the east and south boundaries of the Thompson Orphanage Property to the

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point where said boundaries first intersect with Sugar Creek; thence in a southerly direction with Sugar Creek to the point where said Creek intersects with a branch which empties into Sugar Creek just north of Morehead Street; thence in a northeasterly direction with said branch to a point where the east side of Eli Street extended would intersect with the said branch; thence with said side of Eli Street in a northerly direction to the north side of Luther Street; thence in a westerly direction with the north side of Luther Street to the east side of Cherry Street; thence with the east side of Cherry Street in a northerly direction to the north side of East First Street; thence with said side of East First Street in a westerly direction to the point of BEGINNING.

The Mayor declared the above Resolution adopted. ✓

RESOLUTION OF CITY COUNCIL APPROVING SUPPLEMENTARY BUDGET FOR SCHOOL BOARD.

Mr. C. W. Tillett, City Attorney, stated that it is the duty of the School Commissioners of the City of Charlotte to file with the City Council each year its budget with respect to the money to come out of the 25-cent supplemental tax levy for school purposes, for the approval of the City Council, and explained in detail the request being made by the School Board this year for \$17,124.75, in addition to the 25-cent tax levy, with which to pay their contribution to the State Retirement System for teachers salaries, etc.

Mr. Tillett stated that in connection with this request for the \$17,124.75, the City Council had two courses open to it; one would be to decline to approve the budget on the ground that the City is already providing to the School Board the money derived from the 25-cent tax levy, which is considered sufficient for the supplementary budget and that they pay the \$17,124.75 out of that money. The other course suggested was that the budget be approved as tendered, subject to test as to its legality. He stated that there is considerable doubt as to whether it is legal for the City Council to levy a tax for the \$17,124.75 in addition to the 25-cent tax authorized by a vote of the people, and that if either step is taken the Council is confronted with legal questions.

He suggested that perhaps the best thing to do would be to approve the budget as tendered, including the request for the \$17,224.75, subject to the provision that none of the money be paid out until the legality of same is tested. On this basis, the following Resolution was presented:

RESOLUTION OF CITY COUNCIL APPROVING
SUPPLEMENTARY BUDGET FOR SCHOOL BOARD.

WHEREAS, the School Commissioners of the City of Charlotte have filed with the City Council for approval their supplementary budget for the fiscal year commencing July 1, 1941 and in this budget have requested the payment to them of the full amount which will be produced by the 25¢ special school tax levy heretofore approved by a vote of the people, and in addition to the proceeds of the 25¢ tax levy have requested the payment to them of \$17,124.75 as representing the amount which they will be called

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on to pay to the State Retirement System as their contribution for teachers employed and teachers' salaries paid over and above the teachers and salaries provided for by the State, such payment being required by Chapters 24 and 143 of the Public Laws of 1941, and, whereas, there is doubt as to whether or not the City Council can legally levy a tax over and above the special 25¢ tax levy for the purpose of providing the aforesaid Retirement System payment;

NOW, THEREFORE, BE IT RESOLVED that the said supplementary budget be, and the same is, approved, provided that no money shall be paid to the School Commissioners on account of the aforesaid Retirement System payment until the legality of the tax levied for the purpose of producing funds to make said payment, and the legality of the said payment, have been tested in some proper legal proceeding.

With this Resolution, the following Supplementary Budget for the Board of School Commissioners, was attached:

ESTIMATED REVENUE:

From City of Charlotte, 87% Collection of .25¢ tax on		
\$115,000,000 Valuations		\$250,125.00
" " " " 6% Collection on 1940 tax levy		16,858.47
" " " " 2% " " 1939 " "		5,458.38
" " " " 1½% " " 1938 " "		4,093.16
" " " " 3/4% " " 1937 " "		2,080.68
" " " " 1/4% " " 1936 " "		662.91
" " " " 1/5% " " 1935 " "		491.34
" " " " FOR STATE RETIREMENT FUND		17,124.75
TOTAL FROM CITY OF CHARLOTTE, if approved		\$296,894.69
From County of Mecklenburg		68,081.87
" Local Churchs for Bible Study in High Schools		4,800.00
" State & Federal Aid Funds for Vocational Training		8,998.02
" " " " " " " " Distributive Education		3,865.50
" Surplus, Intangible Assets, Tuition, etc.		22,371.00
TOTAL ESTIMATED REVENUE FOR 1941-1942		\$405,011.08

Councilman Ross moved the adoption of the Resolution, which was seconded by Councilman Albea.

Councilman Hovis protested the adoption of the proposed supplementary budget, not on the grounds of the request as shown in the above resolution, but due to the fact that they are cutting down on the school term, which was a part of the purpose of the supplementary tax to provide a nine-months term. Mr. Tillett read the opinion of former City Attorneys, Bridges and Orr, in which they expressed the opinion that the Council did not have the right to approve or disapprove the School Budget except insofar as the School Board asking for more money than can be expected from the 25-cent levy. He stated that he had not given the matter enough study to express his own opinion on the matter with regard to that. After further discussion of the matter, a vote was taken on the motion of Councilman Ross to adopt the Resolution, which carried, Councilmen Hovis and Little voting in the negative.

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PURCHASE OF IRON FOR EAST 10TH. STREET UNDERPASS.

The City Manager's report stated that bids had been received on certain miscellaneous iron needed in the construction of the pedestrian underpass on East 10th. Street, and that these bids were as follows:

R. R. Robertson	\$279.00
Southern Engineering Company	365.00
Mitchell & Becker Company	400.00

Motion was made by Councilman Little, seconded by Councilman Painter and unanimously carried, that the order be placed with the lowest bidder, R. R. Robertson, at a net delivered price of \$279.00 and that the Mayor and City Clerk sign the contract.

METER BOXES.

In the report of July 2, 1941 request was made to purchase 250 meter boxes complete with covers, and the following bids were received:

Morgan Heater Company, Inc.	\$750.00
Queen City Foundry Company	875.00
Jones Iron Works, Inc.	1062.50

With reference to specifications, the City Manager reported that the meter box which the City required should have not less than 40% pig iron and not over 60% unburnt scrap iron of good quality and having grey texture. Cover plates should have not less than 60% pig iron and not over 40% unburnt scrap iron of good quality and having grey texture. Investigation shows that meter boxes purchased during the last five years on the above specifications have given satisfactory service.

On motion of Councilman Baker, seconded by Councilman Hovis and unanimously carried, the award was made to the lowest bidder, Morgan Heater Company, Inc., in the amount of \$750.00 and the Mayor and Clerk were authorized to sign the contract.

NEW STREET BETWEEN N. TRYON AND STATESVILLE AVENUE TO BE NAMED DALTON AVE.

Councilman Alba moved that the name of the street now being constructed from Statesville Avenue to North Tryon Street be named Dalton Avenue the Engineering Department having made a check of street names within the city limits, finding that this name will not conflict in any way. Motion seconded by Councilman Baker and unanimously carried.

REQUEST GRANTED FOR 8" SANITARY SEWER IN CUMBERLAND AVENUE.

On motion of Councilman Alba, seconded by Councilman Baker, the request was granted for extension of an 8" sanitary sewer line in Cumberland Avenue, from the present trunk line of Ideal Way south 1590 feet to serve eight houses now started. Estimated cost of making this installation is \$1587.30.

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SPECIAL OFFICER PERMITS.

On motion of Councilman Albea, seconded by Councilman Little, the following special officers permits were granted on the premises of the Quartermaster Depot, 1820 Statesville Avenue:

To Harold L. Eatman
Daniel M. Grooms
Hazel Spelce.

REPORT OF CITY MANAGER ON W.P.A. QUARTERS.

Mr. Armstrong reported that upon investigation of the location of the W.P.A. quarters, it was found that the Chatham Building, the present quarters, does not have sufficient floor space.

REPORT ON COMPLAINT AGAINST MINUTE GRILL.

Mr. Armstrong also reported in connection with the complaint made at the last meeting against the Loud Speakers and the honking of automobile horns at the Minute Grill, on West Morehead Street, that the loud speaker had been taken out of use and that extra help had been put on in an effort to eliminate the blowing of horns.

REQUEST FOR CITY ELECTRICAL INSPECTORS TO MAKE INSPECTIONS OUTSIDE CITY LIMITS REFERRED TO OPERATING COMMITTEE.

Mayor Currie referred the request of electrical contractors that the City of Charlotte have the City Inspectors make inspections of houses outside the City Limits, to the Operating Committee for report back.

PURCHASE OF BONDS FOR SINKING FUND.

Upon motion of Councilman Ross, seconded by Councilman Painter, the City Treasurer was authorized to purchase 2-\$1000.00 State of North Carolina $3\frac{1}{2}\%$ Funding Bonds, due July 1, 1942, at 102.66 to yield $\frac{3}{4}$ of 1%, for the Sinking Fund Account.

REQUEST OF H. L. TAYLOR REGARDING STREET ASSESSMENTS REFERRED TO CITY ATTORNEY.

The request of Mr. H. L. Taylor, Attorney, with reference to certain street assessments, was referred by the Mayor to the City Attorney for recommendation.

SPECIAL OFFICERS FOR LINCOLN THEATER.

The City Manager reported that investigation had been made regarding the request presented last week for appointment of Jack William Hunter as a special officer on the premises of the Lincoln Theater and that he saw no reason why this permit should not be granted. This appointment had the approval of the Chief of Police.

On motion of Councilman Daughtry, seconded by Councilman Painter, this request was granted.

