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The City Council met in regular weekly session, in the Council Chamber, City Hall, at 4 o'clock P. M., Wednesday, November 18, 1942, with Mayor Currie presiding and Councilmen Albea, Baker, Beasley, Daughtry, Hovis, Painter, Price, Ross, Slye and Ward present.

Absent: Councilman Little.

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COMPLAINT OF GARBAGE BEING DUMPED INTO OLD ROCK QUARRY MADE BY RESIDENT OF TREMONT AVENUE.

Mr. C. K. Watterson, a resident of the Wilmore Section, registered a protest with the Council regarding the dumping of garbage in the old rock quarry on Tremont Avenue. Mr. Watterson stated that he had taken this matter up with a number of City officials but had received no reply and that unless the Council took some action to stop this practice he would be compelled to take out an injunction against the City in order to stop same. The City Manager stated that now that the season of fresh vegetables is over, he was of the opinion that the three units of the incinerator can take care of the garbage, and the Mayor instructed him to take this matter up with Mr. Barbee, of the Sanitary Division, and have report for the next meeting.

NO REPORT ON THE QUESTION OF BUS TRANSPORTATION ON NORTH BREVARD STREET RECEIVED FROM CITY ATTORNEYS.

Mr. J. C. Grier, a resident of North Brevard Street, appeared before the Council, asking if report had yet been received from the City Attorneys on the question of the matter of improvement of North Brevard St. in order that residents of that section may have bus service, and was informed by the Mayor that this report had not yet been made.

MINUTES APPROVED.

On motion made by Councilman Baker, duly seconded and carried, the minutes of the previous meeting, November 4th., were approved as read.

REPORT OF COMMITTEE ON ANTI-NOISE ORDINANCE.

Councilman Baker reported that the committee to make investigation of a proposed anti-noise ordinance for Charlotte, composed of himself, Councilmen Albea and Ward, had found that the two ordinances already on the books are adequate, if enforced, and this report was received as information.

\$2500.00 APPROPRIATED FROM EMERGENCY FUND FOR WIDENING OF FORDSON AVENUE.

Councilman Ross moved that the amount of \$2500.00 be appropriated from the Emergency Fund to cover the purchase of right-of-ways necessary in the widening of Fordson Avenue; there being no appropriation in the Street Department budget to take care of this. Motion seconded by Councilman Baker and carried.

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RESOLUTION INSTRUCTING CITY MANAGER TO TAKE POSSESSION OF OAKLAWN CEMETERY PROPERTY OWNED BY THE CITY OF CHARLOTTE.

The following resolution was introduced by Councilman Ross, who moved its adoption, and upon being seconded by Councilman Baker, was unanimously carried and declared adopted by the Mayor:

WHEREAS, by deed dated July 20, 1939, W. C. Davis, Commissioner, conveyed to the City of Charlotte certain real estate which was involved in a tax and street assessment foreclosure proceeding in the Superior Court of Mecklenburg County entitled: City of Charlotte et al., Plaintiffs, v. Oaklawn Cemetery, Inc., et al., Defendants, and, whereas, the defendants in the said proceeding have refused, up to the present time, to deliver possession of the property described in the said deed to the City;

NOW, THEREFORE, BE IT RESOLVED that the City Manager be, and he is, instructed to notify all persons now in possession of the said property to vacate same and deliver possession to the City, and in the event of their failure to do so, the City Attorneys are directed to take such legal steps as may be necessary to accomplish this purpose.

MINUTES OF A JOINT MEETING OF THE CITY COUNCIL AND COUNTY BOARD OF COMMISSIONERS HELD IN THE COUNCIL CHAMBER ON NOVEMBER 4, 1942, ORDERED APPROVED AND PLACED ON RECORD.

The minutes of a joint meeting of the City Council and Board of County Commissioners, held on November 4, 1942, said minutes being taken by Mr. G. D. Bradshaw, Clerk to the Board of County Commissioners, were read by the Clerk and on motion of Councilman Ross, duly seconded and carried, were approved and ordered placed on record. This record will immediately follow the minutes of this meeting in Minute Book No. 10, City Council Minutes.

CANCELLATION OF BALANCE OF CONTRACT WITH GRINNELL CO. FOR SWING CHECK VALVES.

The City Manager reported that the original contract calling for 582 swing check valves, at a total price of \$923.65, with Grinnell Company, Inc., has been completed with the exception of 13 2" valves; and asked authority to close the contract by payment of \$882.10 and cancellation of the balance of said original contract.

Upon motion of Councilman Slye, seconded by Councilman Albea and carried, cancellation of the remainder of the contract was authorized, as well as payment of the amount of \$882.10 for the valves delivered.

SUPPLEMENT TO COAL CONTRACT.

Upon motion of Councilman Albea, seconded by Councilman Painter, authority was given for increase in the amount of contract covering the year's supply of coal; this overrun being \$138.25, due to the fact that the contract covered tonnage, whereas, deliveries were made in carload lots the increase in amount of contract making the final figures \$6,930.05 instead of \$6,791.80.

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PROFESSIONAL SERVICES.- WATER LINE TO MUNITIONS PLANT.

Councilman Ward moved that the amount of \$200.00 be paid to J. N. Pease & Company covering professional services rendered in connection with the water line to the Munitions Plant. Motion seconded by Councilman Ross and carried.

ORDINANCE TO AMEND SECTION 12 OF AN ORDINANCE ENTITLED "REVENUE ORDINANCE" ADOPTED JUNE 3, 1942.

Upon motion of Councilman Slye, duly seconded in each instance by Councilman Ward, the following ordinance was unanimously adopted on three readings and declared by the Mayor to be an ordinance of the City of Charlotte:

AN ORDINANCE
TO AMEND SECTION 12 OF AN ORDINANCE EN-
TITLED "REVENUE ORDINANCE" ADOPTED JUNE
3, 1942.

WHEREAS, the City Council, on June 3, 1942, adopted an ordinance entitled "REVENUE ORDINANCE", and whereas, it is desirable to amend Section 12 of said ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA:

Section 1. That Section 12 of the ordinance adopted June 3, 1942 entitled "REVENUE ORDINANCE" be, and the same hereby is amended by adding at the end thereof the following:

"Provided that the said sign or tag shall be in the form of a paper sticker and shall be placed on the inside lower right-hand corner of the windshield, with the printed matter thereon facing the front of said vehicle."

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.

Section 4. This ordinance shall take effect from and after its passage.

APPROVED AS TO FORM:

TILLET & CAMPBELL
City Attorneys

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RESOLUTION REIMBURSING TILLET & CAMPBELL FOR EXPENSE IN CASE OF WEBSTER V. CITY OF CHARLOTTE.

The following resolution was introduced and upon motion made by Councilman Beasley, seconded by Councilman Baker, was unanimously adopted:

RESOLVED that the Treasurer be, and he is, instructed to pay Tillett & Campbell the sum of \$42.20 reimbursement for expenses incurred in having brief printed in the case of Webster v. City of Charlotte in the Supreme Court, and traveling expenses to and from Raleigh in connection with the argument of this case, and the same is appropriated from the emergency fund.

ENCROACHMENT AGREEMENT - SOUTHERN RAILWAY AND CITY OF CHARLOTTE.

An encroachment agreement between the Southern Railway and the City of Charlotte, covering encroachment on Southern Railway terminal land, right of way and under tracks with a 20-inch water main about in line with West Second Street, Charlotte, N. C., was presented by the City Manager, and upon motion of Councilman Albee, seconded by Councilman Baker, the Mayor and Clerk were authorized to execute same on the part of the City of Charlotte.

ACCEPTANCE OF SETTLEMENT WITH CAROLINA ICE COMPANY FOR USE OF CITY'S SIDING AT THE CITY GARAGE.

Mr. Flack reported that a contract between the City of Charlotte and the Carolina Ice Company provided that the City be paid \$2.00 per car for unloading on the City's siding at the City Garage; this contract dated 1929, on which no payments have been made to date, but that an estimate has been made that 28 cars have been unloaded since the contract was executed and that the Carolina Ice Company has tendered to the City of Charlotte check in the sum of \$56.00 in full settlement to date. It was the City Manager's recommendation that this be accepted. Whereupon, Councilman Ward moved that check be accepted and that the past due account be closed. Motion seconded by Councilman Beasley and carried.

SUPPLEMENTAL CONTRACT WITH ECLAT RUBBER COMPANY, AKRON, OHIO, FOR PACKING MATERIAL USED IN CONNECTION WITH WATER LINE TO MUNITIONS PLANT.

Upon motion of Councilman Ross, duly seconded by Councilman Painter and carried, the action of the Council on September 9th., in connection with the purchase of certain packing material to be used in connection with the water line to the munitions plant, was rescinded and new contract was authorized to be entered into with the Eclat Rubber Company, of Akron, Ohio, covering different style packing, in the total amount of \$272.14 delivered, and the Mayor and Clerk were authorized to sign same.

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ELECTRIC GREASING OUTFIT FOR FIRE DEPARTMENT.

Upon motion of Councilman Slye, seconded by Councilman Beasley, the purchase of an electric greasing outfit for the Fire Department was authorized from the low bidder, the Alemite Company, at the price of \$136.25.

ELGIN SWEEPER PARTS.

Certain repair parts being needed for the City's Elgin Sweeper, on motion of Councilman Beasley, seconded by Councilman Albea and carried, authority was given for the purchase of these repair parts from the North Carolina Equipment Company, in the total sum of \$269.42, the Mayor and Clerk being authorized to execute contract covering.

PIPE AND FITTINGS FOR AGITATORS.

Mr. Flack reported that all local companies furnishing pipe and fitting supplies were requested to submit prices on necessary fittings and pipe for the agitators at the Filter Plant, but inasmuch as all pipe must be cut to measure and threaded the only bid received was that of Grinnell Company, Inc., and upon motion of Councilman Hovis, duly seconded by Councilman Beasley, the Mayor and Clerk were authorized to execute contract with Grinnell Company, Inc., covering the needed material, at a net delivered price of \$595.15.

CITY MANAGER APPOINTED MILEAGE ADMINISTRATOR FOR CITY OWNED MOTOR VEHICLES.

Upon motion of Councilman Baker, seconded by Councilman Slye, the City Manager, Mr. R. W. Flack, was appointed Mileage Administrator for the motor vehicles owned by the City of Charlotte and/or privately owned passenger automobiles used on city business.

APPROPRIATIONS FROM THE EMERGENCY FUND.

Councilman Ross moved that the sum of \$624.00 be appropriated from the Emergency Fund to take care of salary of helper at the Dog Pound, from November 1, 1942 through June 30, 1943, at \$78.00 per month. Motion seconded by Councilman Daughtry but this motion was withdrawn after Councilman Ward asked that the matter be held up until after recess is taken by the Council. Upon motion of Councilman Slye, seconded by Councilman Daughtry, the sum of \$40.00 was appropriated from the Emergency Fund to pay salary of temporary stenographer in the Purchasing Department from November 9th. through 23, 1942. And, on motion of Councilman Ross, seconded by Councilman Painter the \$37.50 to cover increase from \$60. per month to \$65. per month for janitor in the Health Department, was authorized to come from the Emergency Fund.

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SPECIAL OFFICER PERMITS.

On motion of Councilman Ward, seconded by Councilman Painter, special officer permit was granted to Pastor J. L. Hinson, of the Reformed Apostolic Holiness Church, 3230 Clemson Avenue, for use on the church premises, and on motion of Councilman Beasley, seconded by Councilman Slye, renewal of permit for E. G. Richardson, Superintendent of City Buildings was authorized.

THANKSGIVING HOLIDAY.

Councilman Albea moved that Thursday, November 26th., Thanksgiving Day, be granted as a holiday to all city employees who can conveniently be away from their duties. Motion seconded by Councilman Beasley and carried.

APPLICATION FOR FUNDS FROM LANHAM FOUNDATION TO BE FILED.

The City Manager advised the Council that an application for funds through the Lanham Act, to be used for soldier recreation projects in Charlotte, under the supervision of the City, has been prepared by the Park & Recreation Commission, the W. P. A., and other organizations, and asked for authority to sign this application in a sum not to exceed \$50,000; stating that it would be a great deal less than that amount. Also, that if the application passes the authorities in Raleigh, in the interest of time, which is a very important element, that he or his designated representative, be authorized to go to Richmond on behalf of the application. He stated that the filing of this application will involve no funds from the City of Charlotte whatsoever.

Thereupon, Councilman Daughtry moved that the City Manager be authorized to sign the application. Seconded by Councilman Albea. Upon motion of Councilman Ross, duly seconded by Councilman Albea, this motion was amended to include that the City Manager, ^{and} /or such other persons as he delegates, be authorized to go to Richmond in the interest of the City regarding the application. Motion as amended duly carried.

CITY EMPLOYEES LIVING WITHOUT THE CITY LIMITS OF CHARLOTTE.

Mr. Flack brought to the attention of the Council the fact that while the City Charter states that employees of the City of Charlotte shall have been residents of said city at least two years prior to their employment, it does not specifically state that such employee must remain a resident of the city during such employment; that the matter had been taken up with the City Attorney, who replied that while the express provision does not appear in the Charter that they must continue to be residents, it seems hardly reasonable to assume that the legislature would undertake to provide for residence before employment and ignore altogether residence after employment. Mr. Flack stated that while he has no one particular employee in mind who lives without the city, he understands that there are some, and that if the Council desires to formulate a policy with regard to the matter alright, if not, he has at least brought the matter to their attention. A lengthy discussion followed, it being brought out that the policy has been enforced by two different City Managers in the past; also, that certain technical employees must live outside the City near the City's disposal plants, pumping station, etc., and after close of the discussion, Councilman Baker moved that all City employees who work inside the City must live in the City. Motion seconded by Councilman Ward and carried.

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PATTON AVENUE TAKEN OVER FOR CITY MAINTENANCE.

Upon motion of Councilman Albea, seconded by Councilman Daughtry, one block of Patton Avenue, between Fairmont and Condon Streets, was taken over for City maintenance.

CEMETERY DEEDS.

The following cemetery deeds and perpetual care agreements were authorized to be issued, upon motion of Councilman Hovis, seconded by Councilman Albea and carried.

Mrs. Gaines E. Duncan, North Half Lot No. 3 Section BB, Elmwood	\$63.00
Mrs. J. F. Ziglar, " " " " 53-A, Sec. D-Annex "	49.60
John F. Belue, " " " " 87 Sec. "X" "	70.00
Perpetual care on " " " " " " "	60.00
W. F. & Agnes Loflin McSwain, Lot No. 188, Sec. "Y"	63.00
Mrs. Mosie Lee Smith, Lot No. 263, Sec. "Y"	35.00
Mrs. Elizabeth Carter, Lots Nos. 52 & 53 Sec. "Z"	63.00
Mrs. W. P. Redfearn, Perpetual Care on South Half Lot No. 88 Sec. "T"	72.00
Perpetual care on Lot No. 1st. 16 Fraction Sec. "V", purchased by M. B. and H. P. Hunter	159.00

(Also that new deed be issued to M. B. & H. P. Hunter covering this lot in lieu of deed which was issued on March 30, 1915 and erroneously called for Fraction 15 "V" instead of 1st. 16 "V")

RECESS TAKEN AT 5:15.

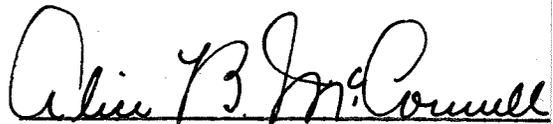
Councilman Hovis moved that the Council recess to the Mayor's office for a discussion of the Merit System, and after being out for some time, reconvened and the meeting was again called to order by the Mayor at 6:25 P. M.

MOTION RELATIVE TO SALARY OF HELPER AT DOG POUND RESTATED AND CARRIED.

Councilman Ward moved that the request for an appropriation of \$624.00 from the Emergency Fund to cover salary of helper at the Dog Pound, made earlier in the meeting and held up until after Council recess, be reinstated and adopted, and this motion, which was seconded by Councilman Albea, was unanimously carried.

ADJOURNMENT.

Motion to adjourn was made and duly carried.


City Clerk