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The regular meeting of the City Council was held at 4 P.M., Wednesday, September 2, 1942, in the Council Chamber of the City Hall, with Mayor Currie presiding and all members of the Council being present, namely: Councilmen Albea, Baker, Beasley, Daughtry, Hovis, Little, Painter, Price, Ross, Slye and Ward.

Absent: None.

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DRAINAGE COMMISSION'S REQUEST FOR ASSISTANCE ON BRIARWOOD ROAD REFERRED TO OPERATING COMMITTEE.

Mr. Carol Taliaferro, Attorney for the Mecklenburg Drainage Commission, appeared before the Council regarding complaint of residents of Briarwood Road on condition of Briar Creek in that vicinity, and stated that in order to give relief from conditions there it will be necessary to enlarge the opening under the bridge, which will necessitate the building of a new bridge, and that this cannot be done at this time, due to lack of materials. He stated, however, that the State Highway Commission and the Drainage Commission are ready and willing to do their part in helping the situation if the City will cooperate; the Drainage Commission having adopted a resolution asking the State Highway Commission to aid in the work. After some discussion of the matter, the Mayor referred same to the Operating Committee, the City Manager, the City Attorney and the City Engineer to determine what the law is and what can be done.

L. H. CRUSE, FORMER CITY EMPLOYEE, ASKING FOR TWO WEEKS VACATION PAY.

Mr. Amon Butler, Attorney for L. H. Cruse, a former City employee, appeared and requested the Council to grant two weeks pay to Mr. Cruse as vacation which he claims is due him; Mr. Cruse having been out on compensation from an injured knee for the period of 15 weeks, and not being re-employed when he reported back for duty. He stated that Mr. Cruse had been employed by the City for ten years, and felt that he was entitled to the two-weeks vacation allowed all employees. This matter was referred to the City Manager for investigation.

READING OF MINUTES DISPENSED WITH.

Upon motion of Councilman Hovis, seconded by Councilman Slye, the reading of the minutes of the previous meeting was dispensed with at this meeting.

HOUSE OF PRAYER PERMITTED TO STAGE PARADE SEPTEMBER 13, 1942 ON CERTAIN STREETS.

Councilman Beasley, Chairman of the Police Committee, reported that it was the recommendation of the Chief of Police that the request of the House of Prayer to stage a large Peace Parade on Sunday, September 13th., be granted, provided it operates on the following streets:

Mobilize on East Third Street at Long Street;
proceed on East Third Street to Caldwell Street;
thence South on Caldwell Street to Boundary Street;
East on Boundary Street to McDowell Street;
North on McDowell Street back to the point of
beginning- Third and Long Streets.

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Upon motion made by Councilman Beasley, seconded by Councilman Little and carried, the recommendation of the Chief of Police and the Police Committee was approved, and permission to stage this parade was granted.

REPORT OF COMMITTEE ON DOGPOUND.

Councilman Beasley reported that his committee had met with members of the Mecklenburg County Humane Society, who now operates the Dogpound, and that they state that they do not have sufficient help to carry on the duties at the Pound as they should; and that the Committee has turned over to the City Manager the question of additional help and to the City Attorney the matter of looking into the leash and muzzle law. This report was received as information.

PURCHASE OF FOUR NEW TIRES FOR GRADING MACHINES.

The City Manager reported that bids have been received on 4 new tires, size 700x 20, required for use on the City's two grading machines, certificate having been obtained from the Tire Rationing Board for the purchase of these new tires. The following quotations were received:

Victor Shaw Co., (U.S. Tire) Tires & Tubes	\$134.04
Goodrich Silvertown Stores (Goodrich)	155.12
McDonald Service Co. (Firestone)	155.20
Goodyear Service Stores (Goodyear)	194.08

Upon motion of Councilman Little, seconded by Councilman Albea, award for this purchase was made to the low bidder, Victor Shaw Company, at the net delivered price of \$134.04.

CONTRACT FOR CONSTRUCTION OF WATER LINE TO U.S. RUBBER COMPANY'S MUNITION PLANT.

After advertisement, bids were taken on September 1st. for the construction of the water line to the property line of the U. S. Rubber Company's Munition Plant, said bids being as follows:

Boyd & Goforth, Inc. - Charlotte	\$24,247.50
John M. Porter - Charlotte	26,030.50
W. A. Ebert - Charlotte	30,945.00
Hobbs-Peabody Constr. Co. "	31,320.00
Blythe Bros. Co. - Charlotte	32,276.25
F. D. Cline - Raleigh	33,275.00
Reed & Abbe, Inc. - Asheville	37,062.50

Upon motion of Councilman Ross, seconded by Councilman Albea, and unanimously carried, the Mayor and Clerk were authorized to execute contract on the part of the City of Charlotte, with the lowest bidder, Boyd & Goforth, Inc. at an estimated price of \$24,247.50.

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CONCRETE FOR HOSKINS WATER WORKS RESERVOIR.

Upon motion of Councilman Slye, seconded by Councilman Baker and carried, the Mayor and Clerk were authorized to execute a contract with the Caldwell Construction Company for 100 cubic yards of Concrete Mix for repairs to the retaining wall at the Hoskins Reservoir, at a net delivered price of \$825.00. Bids were called for on this material and only one bid was received- that of Caldwell Construction Company.

SUPPLEMENTAL ESTIMATE FOR DUNAVANT STREET SEWER INSTALLATION.

The City Manager reported that due to encountering rock in the laying of the sewer in Dunavant Street; the original estimate has been overrun by the amount of \$221.00 and asked for approval of the City Council to take care of this amount; \$667.37 having been approved for this installation on April 15th.

Councilman Slye moved that this supplemental estimate, in the sum of \$221.00, be approved for payment, which was seconded by Councilman Albea and carried.

OVERRUN OF ESTIMATE ON SOUTH TRYON STREET SANITARY SEWER ALSO APPROVED.

Due to a similar condition, the original estimate of \$2040.89, approved on April 15, 1942, for sanitary sewer installation in South Tryon Street to Shuman Avenue, was overrun a second time; the Councilman authorizing a supplemental estimate of \$1324 on July 15th.; this second overrun being in the amount of \$120.48, which completes the line.

Upon motion made by Councilman Baker, seconded by Councilman Beasley and carried, this second overrun of \$120.48 was approved for payment.

CONTRACT WITH MASSLICH & MITCHELL FOR PROFESSIONAL SERVICES IN CONNECTION WITH \$230,000 WATER BONDS.

Due to the City Attorneys ruling that a contract is necessary between the City of Charlotte and Masslich & Mitchell, New York Bond Attorneys, covering professional services in relation to the \$230,000 City of Charlotte Water Bonds, said services amounting to a total of \$343.51, upon motion of Councilman Albea, seconded by Councilman Beasley the Mayor and Clerk were authorized to execute contract for above; payment for same to be made from the Bond Fund.

ENCROACHMENT AGREEMENT WATER MAIN TO MUNITIONS PLANT TO BE EXECUTED WITH SOUTHERN RAILWAY.

A standard encroachment agreement covering right-of-way on Southern Railway for water main to the Navy Munitions Plant, was presented by the City Manager, and on motion of Councilman Hovis, duly seconded by Councilman Albea, was authorized to be executed by the Mayor and Clerk on behalf of the City of Charlotte.

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REQUEST FOR PERMISSION TO DROP HANDBILLS FROM THE AIR FOR VICTORY BELLE SHOW GRANTED.

A request from Mr. C. B. Miller, General Chairman of the Victory Belle Revue, to be presented on September 3rd and 4th., that they be permitted to drop handbills from airplanes over the City on September 3rd., was presented by the City Manager to the Council and, subject to approval of the Civil Aeronautics Authority, this permission was granted, on motion made by Councilman Beasley, seconded by Councilman Ward and carried.

STREET DANCE PERMISSION EXTENDED TO SEPTEMBER 9TH.

Councilman Ward moved that the permission granted to the War Activities Committee of the Motion Picture Industry to hold a street dance on September 1st., which was called off on account of rain, be extended to September 9th., same hours, same street. Motion seconded by Councilman Painter and carried.

PERMISSION TO USE INDEPENDENCE SQUARE ON SEPTEMBER 16TH. FOR BOND SALE GRANTED; ALSO FOR PARADE ON SEPTEMBER 13TH.

Councilman Ward asked for the use of Independence Square from 1 to 2 o'clock P. M., on Wednesday, September 16th., for the purpose of holding a "Salute to our Heroes" program and the sale of Defense Bonds and Stamps, stating that three prominent movie stars are to be on this program to assist in the sale. He also requested permission to hold a parade for the same purpose on Sunday September 13th., and upon motion of Councilman Ross, seconded by Councilman Price, both requests were granted.

ADDITIONAL APPROPRIATION FOR RATION BOARD.

On motion of Councilman Hovis, duly seconded by Councilman Daughtry and carried, after some discussion, an additional appropriation of \$150.00 from the Emergency Fund was made to the Rationing Board, for the month of August; Mecklenburg County being requested to make an appropriation of \$75.00 to this Board.

NEW CIVILIAN DEFENSE COORDINATOR - DR. W. S. RANKIN.

Mr. Martin L. Cannon, Chairman of Civilian Defense, appeared before the Council and announced that Dr. W. S. Rankin had accepted appointment as Civilian Defense Coordinator for Mecklenburg County, succeeding Mr. Paul Sheehan, resigned. This appointment was very gratifying to the Mayor and City Council.

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ORDINANCE RELATIVE TO HOUSING AND DANGEROUS BUILDING CONDITIONS.

The following Ordinance was read by the City Attorney, and upon motion made by Councilman Hovis, seconded in each instance by Councilman Ross, was unanimously adopted on three readings and declared by the Mayor to be an Ordinance of the City of Charlotte, effective from and after adoption:

AN ORDINANCE
PROVIDING FOR THE REPAIR OR ELIMINATION
OF UNFIT HOUSING AND DANGEROUS BUILDING
CONDITIONS.

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

SECTION 1. The following terms whenever used or referred to in this Ordinance shall have the following respective meanings for the purpose of this Ordinance, unless a different meaning clearly appears from the context:

- (a) "City" shall mean the City of Charlotte.
- (b) "Council" shall mean the City Council of the City of Charlotte.
- (c) "Inspector" shall mean the Chief Building Inspector of the City of Charlotte.
- (d) "Public Authority" shall mean any housing authority or any officer, who is in charge of any department or branch of the government of the City, Mecklenburg County, or State of North Carolina relating to health, fire, building regulations, or other activities concerning dwellings or buildings in the City.
- (e) "Owner" shall mean the holder of the title in fee simple and every mortgage of record.
- (f) "Parties in Interest" shall mean all individuals associations and corporations, who have interests of record in a dwelling or building, and any who are in possession thereof.
- (g) "Dwelling" shall mean any structure, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.
- (h) "Building" shall mean any structure or part thereof not a dwelling as above defined.

SECTION 2. It is found as a fact that there exist in the City dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, and due to other conditions rendering such dwellings unsafe or insanitary, or dangerous or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents of the City.

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SECTION 3. It is found as a fact that there exist in the City buildings which are dangerous due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, and due to other conditions rendering such buildings unsafe, insanitary or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents of the City.

SECTION 4. It shall be the duty of the inspector diligently to examine the dwellings and buildings located in the City especially in those portions of the City where the conditions described in Sections 2 and 3 exist for the purpose of locating and taking action with respect to such dwellings as appear to be unfit for human habitation and such buildings as appear to be dangerous.

SECTION 5.a. The Inspector shall exercise the powers prescribed in this Ordinance.

(b) Whenever a petition is filed with the Inspector by a Public Authority or by at least five (5) residents of the City charging that any dwelling is unfit for human habitation or any building is dangerous, or whenever it appears to the Inspector (on his own motion) that any dwelling is unfit for human habitation or any building is dangerous, the Inspector shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwelling or building a complaint stating the charges in that respect and containing a notice that a hearing will be held before the Inspector (or his designated agent) at a place therein fixed within the City, not less than ten (10) days nor more than thirty (30) days after the serving of said complaint; the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; notice of such hearing shall also be given to at least one of the persons signing any petition relating to such dwelling or building; any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard; and the rules of evidence prevailing in Courts of Law or Equity shall not be controlling in hearings before the Inspector.

(c) If, after such notice and hearing, the Inspector determines that the dwelling under consideration is unfit for human habitation or the building under consideration is dangerous, he shall state in writing his findings of fact in support of such determination, and shall issue and cause to be served upon the owner thereof an order:

(1) If the repair, alteration or improvement of said dwelling or building can be made at a cost of less than 50% of the value of the dwelling or building, the order shall require the owner, within the time specified therein, to repair, alter or improve such dwelling so as to render it fit for human habitation or to vacate and close the dwelling as a human habitation, or it shall require the owner within the specified time therein to repair, alter or improve such building so as to render it safe or to vacate and close the building for any and every use;

(2) If the repair, alteration or improvement of said premises or building cannot be made at a cost of less than 50% of the value of the dwelling or building, the order shall require the owner, within the time specified therein, to remove or demolish such dwelling or building.

(d) If the owner of a dwelling fails to comply with the order to repair, alter or improve, or to vacate and close the dwelling, the Inspector

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may cause such dwelling to be repaired, altered or improved, or to be vacated and closed; the Inspector shall cause to be posted on the main entrance of any dwelling so closed a placard with the following words:

"This building is unfit for human habitation;
the use or occupation of this building for
human habitation is prohibited and unlawful."

(e) If the owner of a building fails to comply with an order to repair, alter or improve, or to vacate and close the building, the Inspector may cause such building to be repaired, altered or improved, or to be vacated and closed; the Inspector shall cause to be posted on the main entrance of any building so closed a placard with the following words:

"This building is dangerous. It is hereby
closed and its use is prohibited."

(f) If the owner fails to comply with an order to remove or demolish the dwelling or building, the Inspector may cause such dwelling or building to be removed or demolished: Provided, however, that the duties of the Inspector set forth in subsections (d), (e) and (f) shall not be exercised until the Council shall have, by Ordinance, ordered the Inspector to proceed to effectuate the purposes of this Ordinance with respect to the particular property or properties which the Inspector shall have found to be unfit for human habitation or dangerous, and which property or properties shall be described in the Ordinance.

(g) The amount of the cost of such repairs, alterations, or improvements, or vacating and closing, or removal or demolition by the Inspector shall be a lien against the real property upon which such cost was incurred; said cost shall be placed upon the City's tax books against the said property and may be collected and the said lien may be foreclosed in the same manner as taxes and tax liens are collected and foreclosed, or by suit as the City may determine. If the dwelling or building is removed or demolished by the Inspector, he shall sell the materials of such dwelling or building and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the Superior Court of Mecklenburg County by the Inspector, to be secured in such manner as may be directed by such court and disbursed by the court to the persons found to be entitled thereto by final order or decree of such court.

(h) Failure on the part of any owner or party in interest to receive or have served upon him any complaint, notice or order herein provided for shall not affect or invalidate the proceedings with respect to any other owner or party in interest or any other person, firm or corporation.

SECTION 6. The Inspector shall determine that a dwelling is unfit for human habitation or a building is dangerous if he finds that any of the following conditions exist in such dwelling; Interior walls or other vertical structural members which list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base; supporting member or members which show 33% or more of damage or deterioration or non-supporting enclosing or outside walls or covering which show 50% or more of damage or deterioration; floors or roofs which have improperly distributed loads, which are over-loaded, or which have ^{if} sufficient strength to be reasonably safe for the purposes used; such damage by fire, wind or other causes as endangers the lives, safety or welfare of the occupants or other people in the City; dilapidation, decay, insanitariness or disrepair, which is likely to cause sickness or disease, or to work injury to the health, safety or welfare of the occupants or other people of the city; inadequate facilities for egress in case of fire or panic;

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defects therein increasing the hazards of fire, accident or other calamities; such lack of adequate ventilation, light, heating or sanitary facilities as endangers the health, morals, safety or general welfare of the occupants or other residents of the City; violation of any provision of the building regulation or fire prevention Ordinances of the State or City; any room, except bathroom, with window area of less than 1/10th of the floor area, or with window area of 1/10th or more of the floor area but which window area cannot be opened so that the openings will equal as much as 1/20th of the floor area; a bathroom which does not have at least one outside window which can be opened or does not have other means of adequate ventilation; such relationship to adjoining dwellings or buildings that light or air is inadequate or that a fire hazard exists.

SECTION 7. Complaints, notices or orders issued by the Inspector pursuant hereto shall be served upon persons either personally or by registered mail; but, if the whereabouts of any person is unknown and the same cannot be ascertained by the Inspector in the exercise of reasonable diligence, and the Inspector shall make an affidavit to that effect, then the serving of such complaint, notice or order upon such person may be made by publishing the same once a week for two successive weeks in a newspaper published in the City, service being deemed complete upon the date of the last publication. A copy of any notice, complaint or order served by publication shall be posted in a conspicuous place on the premises affected by the notice, complaint or order on or before the date of the last publication. A copy of such complaint or order shall also be filed by the Inspector in the office of the Clerk of the Superior Court of Mecklenburg County, North Carolina, as in cases of lis pendens notice as provided by law.

SECTION 8. The Inspector shall have such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this Ordinance, including (without limiting the generality of the foregoing) the following powers in addition to others herein granted:

(a) To investigate dwelling and building conditions in the City in order to determine which dwellings therein are unfit for human habitation, and which buildings are dangerous.

(b) To administer oaths, affirmations, and to examine witnesses and receive evidence;

(c) To enter upon and within premises, dwellings and buildings for the purpose of making examinations and investigations: Provided, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

(d) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purpose of this Ordinance;

(e) To delegate any of his functions and powers under this Ordinance to such officers and agents as he may designate.

SECTION 9. If any order issued and served in accordance with this ordinance is not complied with within the time specified therein, the dwelling or building with respect to which the order has been issued is hereby declared to be a public nuisance, and it shall be unlawful for any person, firm or corporation who has knowledge of the issuance of the said order to occupy or use the said dwelling or building, or any part thereof, as a human habitation or for any other purpose, or to suffer or permit same, or any part thereof, to be occupied or used as a human habitation or for any

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other purpose, and any person, firm or corporation violating this section or failing to comply therewith shall be subject to, and shall pay, a penalty of \$50 for each and every offense, and each day that any such violation or failure to comply continues or is allowed to continue shall constitute and be a separate and distinct offense.

SECTION 10. No person, firm or corporation, without the written consent of the Inspector, shall remove, or permit the removal of, any complaint, notice or order posted in accordance with the provisions of Sections 5(d) and 5(e) of this ordinance; any person, firm or corporation violating or failing to comply with the provisions of this section shall be subject to, and shall pay, a penalty of \$50 for each and every offense.

SECTION 11. The judgment for any penalty provided for in this ordinance may be reduced or wholly or partly remitted by the Recorder of the City of Charlotte as he may deem just in any case tried before him, or by any other court before which an action is brought to recover any penalty hereun where such court has jurisdiction of such action.

SECTION 12. The Inspector shall promptly report to the City Solicitor the names and addresses of all persons, firms and corporations who have violated or failed to comply with this ordinance, and who are subject to penalty therefor, and it shall be the duty of the City Solicitor to proceed against such persons, firms or corporations civilly for the recovery of the said penalty, or criminally as he may determine.

SECTION 13. In emergency cases where it reasonably appears there is immediate danger to the life or safety of any person or to the safety of other property, unless a dwelling unfit for human habitation or a dangerous building as herein defined is immediately repaired or demolished, the Inspector shall cause the immediate repair or demolition of the said dwelling or building and the cost of such repair or demolition shall be recovered and collected as is provided in Section 5 (g) hereof.

SECTION 14. The powers conferred upon the Inspector by the provisions of this Ordinance shall be in addition and supplemental to the powers conferred upon the Inspector by any Other Ordinance. Nothing in this ordinance shall be construed to impair or limit in any way the power of the City to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise. The measures and procedures herein provided for do not supersede, and this ordinance does not repeal, any other measures or procedures which are provided by ordinance or state law for the elimination, repair or correction of the conditions referred to in Sections 2 and 3 hereof, but the measures and procedures herein provided for shall be an addition to the same.

SECTION 15. Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent of the Council that if any provision of this ordinance or the application thereof to any person, firm, corporation or circumstance is held invalid, the remainder of the ordinance and the application of such provisions to persons, firms or corporations or circumstances other than those to which it is held invalid shall not be affected thereby.

SECTION 16. The City Clerk shall certify to the passage of this ordinance and cause the same to be published.

SECTION 17. This ordinance shall take effect from and after its adoption.

APPROVED AS TO FORM:

Tillett & Campbell
City Attorneys

Alice B. McConnell
City Clerk

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CEMETERY DEEDS.

Upon motion of Councilman Ward, seconded by Councilman Albea, the following cemetery deeds were authorized to be issued:

Mrs. Randall Brooks, Lot No. 132, Section "Y", Elmwood Cemetery	\$63.00
Newton H. Harris " " 204 " " " "	35.00
Transfer of E. 1/2 Lot No. 77, D-Annex from C. P. Edwards & wife to C. P. Edwards, Jr., and the West Half same lot to Geo. D. Edwards	2.00

Mrs. J. E. & Frank W. Pendleton, Lot No. 10, Section BB \$126.00, with credit of \$35.00 allowed for return of West Half Lot #265 "U", Bal. \$ 91.00

ADJOURNMENT.

Upon motion of Councilman Ward, the meeting then adjourned.

Alice B. Powell
City Clerk