

April 10, 1940
Page 147.

The regular weekly meeting of the City Council was held in the Council Chamber, City Hall, at 4 o'clock P. M., Wednesday, April 10, 1940, with Mayor Pro Tem Hovis presiding, and Councilmen Baxter, Britt, Hudson, Nance, Sides, Ward and Wilkinson being present.

Absent: Mayor Douglas, Councilmen Albea, Huntley and Little.

MINUTES APPROVED.

On motion of Councilman Britt, seconded by Councilman Nance, the minutes of the March 27th. meeting were approved as read.

GASOLINE TRUCK ORDINANCE POSTPONED FOR TWO WEEKS.

The gasoline truck ordinance having been scheduled to again be brought up at this meeting, Mr. H. L. Taylor, attorney representing trucking interests, appeared before the Council and asked that this question be deferred until April 24th., inasmuch as he plans to be out of the City for the next two weeks.

On motion of Councilman Barter, seconded by Councilman Wilkinson, this request was granted.

EXTENSION OF TIME TO OAKLAWN CEMETERY TO MAKE SETTLEMENT.

Mr. Taylor also asked for an extension in the time of making settlement on the taxes and street assessment of Oaklawn Cemetery due to the illness of the owner, Mr. Misenheimer, and on motion of Councilman Barter, seconded by Councilman Sides, an extension of time until April 24th. was granted.

MECKLENBURG HUMANE SOCIETY REQUESTED LAND FOR DOG POUND.

Mr. Arthur Goodman and a delegation of ladies from the Mecklenburg Humane Society were present and requested that the City assist them in establishing a Dog Pound for the County. He stated that the Board of Commissioners of Mecklenburg County have agreed to build the Pound if the Society can obtain the land and they asked that the City either permit them to take over the City's pound and collect the dog tax or to give them land adjoining the City's pound on which to build one for the County.

Mayor Pro Tem Hovis advised that he had just come from a meeting of the County Board of Health and that he and Mr. Henry Harkey had been appointed a committee to work out something in this connection, and that they would probably have a report ready for the meeting of the Board of County Commissioners on next Monday and the City Council on Wednesday, April 17th. Mr. Goodman agreed to wait until this report was ready.

REQUEST FOR FOOTBRIDGE ACROSS SUGAR CREEK AT 31ST. STREET TO BE INVESTIGATED.

The City Manager presented a petition signed by a number of people, requesting the City to construct a footbridge across Sugar Creek where 31st. Street would cross.

After discussion by the Council, the City Manager was instructed to investigate regarding the street right of way or whether it would be on private property. The Council did not appear to be in favor of constructing footbridges where the City might be liable for damages in case of accidents.

April 10, 1940
Page 148.

REQUEST FOR RESTRICTION OF CARNIVALS SHOWING ON S. TRYON ST. AND WORTHINGTON AVENUE.

A petition was presented, signed by a number of citizens, requesting the restriction of Carnivals showing on South Tryon Street and Worthington Avenue.

The City Manager advised that the greatest objections to the holding of carnivals at this location were unsanitary conditions, noise and prowlers in that vicinity. He stated that he had had the Health Department make an investigation and that the sanitary provisions were not adequate, altho no worse or better than is usual for such shows.

A discussion regarding the barring of carnivals within the City limits was held. Councilman Sides suggested that all carnival companies desiring to show in Charlotte be required to show at the Fair Grounds if possible.

Councilman Ward moved that the Mayor appoint a committee to investigate the advisability of an ordinance being prepared to restrict the holding of carnivals in Charlotte, which motion was seconded by Councilman Sides and carried.

Mayor Pro Tem Hovis then appointed Councilman Ward as Chairman of this special committee, with Councilmen Sides and Wilkinson as the other two members.

SEWER EXPENSION ON WHITING AVENUE.

On motion of Councilman Nance, seconded by Councilman Hudson, approval was given for the extension of the sewer in Whiting Avenue, between The Plaza and Lockwood Avenue, for a distance of 30-feet to serve one house, and estimated to cost \$43.45.

RIGHT OF WAY AGREEMENT WITH STATE HIGHWAY AND PUBLIC WORKS COMMISSION FOR WIDENING AND RECONSTRUCTION OF 10TH AND 11TH. STREETS.

The following resolution was offered by Councilman Wilkinson and seconded by Councilman Baxter, and upon being put to vote was unanimously carried:

"Whereas, that improvement designated by the State Highway and Public Works Commission as Project #6592, is considered to be the most necessary improvement in the highway system in the corporate limits of the said municipality, for the promotion of public safety and convenience:

Now, Therefore, Be It Resolved that the above Project #6592 be and is hereby formally approved by the City Council of the said municipality, and that the Mayor and Clerk of said municipality be and are hereby empowered to sign and execute the required agreements between the said municipality and the State Highway and Public Works Commission."

The above mentioned agreement regarding the construction and improvement of Tenth and Eleventh Streets, was read by the City Manager.

April 10, 1940
Page 149.

NOTICE OF SUIT OF MRS. ZELLE MAY SEEGERS AND MRS. ANNIE FOLEY VS. CITY.

The City Manager reported receipt of a letter from Taliferro and Clarkson and Marvin L. Ritch, attorneys, regarding their intention to bring suit against the City for alleged injuries to Mrs. Zelle May Seegars and Mrs. Annie Foley from falling on the sidewalk on East 8th Street.

NOTICE OF SUIT RELATIVE TO ESTATE OF THOMAS M. HARGETT.

Report was also made of receipt of notice of a suit in which the City is a part, relative to winding up the Estate of Thomas M. Hargett.

REFUND FROM CHARLOTTE HOUSING AUTHORITY OF MONEY ADVANCED THEM.

Mr. Marshall advised the Council that the Charlotte Housing Authority had returned to the City check for \$1,416.67, which is the greater portion of the original \$1,500.00 advanced them by the City when the Authority was originally incorporated. He stated that the Authority had secured approval of the projects and was able to figure the preliminary expense in as a part of the project, thus returning practically the entire original amount to the City.

EXPENSE OF FIRE DEFENSE SURVEY TO BE TAKEN FROM EMERGENCY FUND.

The committee authorized by the Council to review the Fire Defense and to make the necessary recommendations found that it was advisable to employ additional technical inspectors to facilitate the inspection of existing buildings in the City. Mr. Marshall reported that the work is progressing satisfactorily but that some expense will be incurred and he recommended that this expense be authorized from the Emergency Fund.

After discussion, Councilman Sides made a motion that the expense of this survey, up to the amount of \$1,000.00, be appropriated from the Emergency Fund, which was seconded by Councilman Ward and carried.

CONTRACT WITH ANDERSON ELECTRIC & SUPPLY COMPANY FOR WORK DONE IN HEALTH BUILDING REPLACING ELECTRIC CONDUIT.

Mr. Marshall reported that the electric conduit between the boiler room and the Health Department building failed a short time ago and that they were unable to pull the cable out of the underground conduit, which necessitated running a 2-1/2 inch conduit feeder and cable. This work was done by the Anderson Electric and Supply Company, at a cost to the City of \$241.10.

On motion of Councilman Baxter, seconded by Councilman Wilkinson and carried, the Mayor and Clerk were authorized to sign a contract with the Anderson Electric & Supply Company for this work, at the price of \$241.10.

NORTH POPLAR STREET TAKEN OVER FOR MAINTENANCE BY CITY.

On motion of Councilman Sides, seconded by Councilman Wilkinson, North Poplar Street, from 24th Street 200 feet south, was taken over by the City for maintenance; this street being in good shape at this time.

April 10, 1940
Page 150.

PETITION FOR TRAFFIC LIGHT AT HARDING PLACE AND EAST MOREHEAD STREET
REFERRED TO TRAFFIC AUTHORITY.

A petition having been received from residents in the vicinity of Harding Place requesting the City to erect a traffic light at the intersection of Harding Place and Morehead Street, was, on motion of Councilman Wilkinson, seconded by Councilman Hudson and duly carried, referred to the Traffic Authority for investigation and report back to the Council.

SPECIAL POLICE OFFICER PERMITS ISSUED.

On motion of Councilman Hudson, seconded by Councilman Wilkinson, authority was given for the appointment of the following Special Police Officers:

George D. Bird at Cordelia Park, for the Charlotte Park and Recreation Commission.

Thos. Walker McKee and H. C. Fennell and C. F. Fowler on the property of the Southern Railway Company

G. W. Edwards, John L. Lamont and W. H. Wilson on the property of Chas. W. Angle, Inc., 815 Seigle Avenue.

All of the above applications were approved by the Chief of Police.

RESOLUTION RELATIVE TO RELEASE FROM CONTRACT WITH ESTATE OF CHARLES E. BARNHARDT AND J. N. PEASE FOR WATER MAIN IN MECKLENBURG AVENUE.

The following resolution was presented by the City Manager:

WHEREAS, the City of Charlotte on the 20th day of April 1937, entered into a contract with Charles E. Barnhardt (now deceased) and J. N. Pease, whereby the City of Charlotte was to lay a two inch water main in Mecklenburg Avenue and Country Club Road at a cost not to exceed FOUR HUNDRED (\$400.00) DOLLARS, and whereas the said line was laid by the City of Charlotte at a cost of \$384.22, and that the said Charles E. Barnhardt and J. N. Pease paid to the City for water bill an amount annually equal to 10% of the cost of laying said water pipe until the death of Mr. Charles E. Barnhardt, and since said death of Mr. Barnhardt no bills have been paid.

There was one house built upon said Avenue which produced revenue of \$18.96 per annum, thereby reducing the unsupported portion of the \$384.22 costs to \$194.62 and now the Estate of the said Charles E. Barnhardt, together with J. N. Pease agreed to pay the said City the sum of \$97.31 each (being one-half of unsupported balance) in lieu of the said J. N. Pease and Charles E. Barnhardt being obligated further upon payment of 10% annually of the cost of laying said pipe.

THEREFORE, it is upon motion of Councilman Sides, seconded by Councilman Baxter, agreed that the City of Charlotte accept the said sum of \$194.62 from the Estate of Charles E. Barnhardt and J. N. Pease, and that the said parties be released from further obligations under said contract.

This the 10th day of April 1940.

April 10, 1940
Page 151.

ROCK QUARRY DISCUSSED.

Due to the recent tragedy at the old rock quarry, Councilman Wilkinson brought up the question of whether or not the City could force the owners to take steps to safeguard this hazard. Mr. Marshall advised that he had been unable to ascertain the true ownership of this quarry, since it was now in the hands of a holding company.

A discussion regarding the City obtaining permission to use it as a dumping ground for refuse other than garbage was held, and Councilmen Sides and Britt suggested that the City Manager and the City Attorney investigate further regarding the matter.

COUNCIL THANKED BY MR. B. M. BOYD FOR ELECTION TO JUDGESHIP OF DOMESTIC RELATIONS AND JUVENILE DETENTION COURT DURING ABSENCE OF JUDGE REDD.

Mr. B. M. Boyd, who was recently elected Assistant Judge of the Juvenile Detention and Domestic Relations Court, thanked the Council for this appointment and expressed his appreciation of same.

INVITATION TO INSPECTION OF 105TH ENGINEERS.

Mayor Pro Tem Hovis had been asked to extend to the Mayor and Council an invitation to attend the inspection of the 105th Engineers, at the Armory-Auditorium, on Saturday afternoon, April 13th. at 3 o'clock.

CEMETERY DEEDS.

On motion of Councilman Baxter, seconded by Councilman Britt, the following cemetery deeds were approved:

Mrs. S. L. Garrison, North Half Lot No. 64, "X" Elmwood Cemetery	\$62.65
Perpetual care on " " " "	54.85
Mrs. Verna Hovis, Lot No. 43, Section "Y"	63.00
Mrs. W. T. Blackwell, Lot No. 116, Section "Y"	35.00
Mrs. Edna L. Ivey, Lot No. 192, Section "Y"	58.80
Mrs. Alene Beck, Lot No. 224, Section "Y"	35.00
Mrs. John W. Zindel, Lot No. 12, Section "Z"	35.00
Transfer of North Half of No. 10 Fraction, Section "P" from Mrs. W. E. Moffatt (formerly Mrs. C.A. Matthews) to Mrs. F.B. Davant	1.00
New deed to Mrs. Moffatt for South Half this lot	
Mr. & Mrs. S. C. Williams, Lot No. 94, "Y" perpetual care	25.00
Mr. & Mrs. C. W. Parker, N. Half Lot 16, Section BB	63.00
Transfer of S.W. Part Lot 34 "F" from P. S. McLaughlin's Heirs to Mrs. Fannie Wright	1.00
Transfer of North Half Lot No. 20, Section "Q" from J. B. Reed and wife, Myrtle B. Reed to R. B. Graham	1.00
Corrected deed issued to J. E. Denton for Lot No. 68, Section "S" in lieu of old deed issued to this party for Lot No. 66.	No charge

ADJOURNMENT.

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

Alice B. McCune
City Clerk