

SPECIAL MEETING
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A special meeting of the City Council was held in the Council Chamber, City Hall, at 4:00 p.m., on Wednesday, February 6, 1946, due notice having been delivered to each Councilman as required by law. Mayor Baxter presided, and Councilmen Childs, Hinson, Johnston, Newson and White were present.

Absent: Councilmen McIntyre and Puette.

INVOCATION.

The invocation was given by Councilman J. S. Hinson.

PURPOSE OF MEETING.

Mayor Baxter announced the meeting was called for the purpose of transacting all business appearing on the Agenda for the cancelled meeting on February 5, 1946 and such other business as might be determined by the City Council; the regular meeting on February 5th having been cancelled because of the death of Colonel T. L. Kirkpatrick, former Mayor of Charlotte.

MINUTES APPROVED.

Upon motion of Councilman Hinson, seconded by Councilman Johnston the minutes of the last meeting were unanimously approved as read.

REQUEST FOR IMPROVEMENTS TO ROADWAYS AND SIDEWALKS WITHIN AREA OF FAIRVIEW SCHOOL DEFERRED.

Rev. R. M. Jenkins, Chairman, Fairview School Parent-Teachers Association requested that improvements be made to roadways and sidewalks within the area of Fairview School. He stated there were no paved streets in the Greenville Section of the city; that school children were forced to remain out of school due to muddy streets and sidewalks and that street buses were not provided in the said area due to the condition of the streets. He requested, too, that Burton Street be opened, and extended from Seaboard Street to Oaklawn Avenue. He further requested that if the city for any reason was unable to comply with his requests, that the Fairview School P.T.A. be given the opportunity to contact property owners and endeavor to secure their signatures to a petition for the improvements requested.

Mayor Baxter replied that he and Councilman Newson, Chairman of the Appraisal Committee, would inspect the area and make recommendations to the Council.

SPECIAL COMMITTEE APPOINTED TO SUBMIT LIST OF CITIZENS FROM WHICH ZONING COMMISSIONERS COULD BE SELECTED.

Mayor Baxter appointed Councilmen Childs and White as a Special Committee to select ten or fifteen representative citizens from which group Council could appoint a Zoning Commission of five members.

ANNUAL REPORTS OF CITY ATTORNEY AND ASSISTANT COLLECTOR OF REVENUE FILED.

The City Manager stated that the annual reports of Mr. John D. Shaw, City Attorney, for period June 7, 1945 through December 31, 1945, and of Mr. J. H. McLain, Assistant Collector of Revenue, for period June 22, 1942 through December 31, 1945, had been filed.

In connection therewith the following resolution was submitted:

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RESOLVED that the reports of John D. Shaw, City Attorney and J. H. McLain, Assistant to the Collector of Revenue, be and the same are hereby received as information and are hereby ordered filed with the City Clerk and that any and all penalties in connection with the same be and they are hereby waived and remitted.

Motion was made by Councilman White that the resolution be adopted. Motion seconded by Councilman Childs, and unanimously carried.

RESOLUTION WITH RESPECT TO THE COMMITTEE TO ASSIST THE NORTH CAROLINA VETERANS COMMISSION IN PERFORMING ITS DUTIES IN THE CITY OF CHARLOTTE.

Upon motion of Councilman White, seconded by Councilman Hinson, the following resolution was unanimously adopted as read:

WHEREAS, the Council on the 3rd day of July, 1945, adopted a resolution appointing a Committee to assist the North Carolina Veterans Commission in the operation of the Veterans Information Center located at 525 North Tryon Street in this city, of which Mr. John White was chairman, and

WHEREAS, Mr. White has resigned as Chairman, and

WHEREAS, it is the desire of the City Council to increase the Committee from six to seven,

NOW, THEREFORE, BE IT RESOLVED that the resignation of Mr. John White, as Chairman of the Committee hereinbefore referred to, is hereby accepted with regrets and he is hereby thanked for his work in connection with this most worthwhile project.

BE IT FURTHER RESOLVED that Mr. T. A. Childs be and he is hereby appointed Chairman of said Committee in the place and stead of Mr. John White, and

BE IT FURTHER RESOLVED that Mr. Ray Farris be and he is hereby appointed a member of said Committee.

REPORT FROM DUKE POWER COMPANY RELATIVE TO SECURING NEW STREET BUSES.

The City Manager reported that Duke Power Company had advised they placed an order in May, 1945, for ten 32-passenger street buses; that General Motors Company advised this week that delivery could not be expected before August 10th, or later.

TRUCK AND TRAILER PARKING ON CITY STREETS.

In response to the inquiry of Councilman Childs at the last Council Meeting as to the parking of trucks and trailers on city streets for long periods of time, the City Manager reported he had conferred with the Traffic Division, and they desired the adoption of a new ordinance to more adequately take care of the situation, and the City Attorney had been requested to prepare such an ordinance for Council's consideration; that same would probably be presented at next Council meeting.

CITY ATTORNEY DIRECTED TO PREPARE LEGISLATION FOR CONSTRUCTION OF SIDEWALKS ON TRADE AND TRYON STREETS.

The City Attorney was directed to prepare, and present to Council, the necessary legislation for the construction of sidewalks on Trade and Tryon Streets, for a distance of two blocks from the Square.

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OPINION BY CITY ATTORNEY TO BE DELIVERED COUNCILMEN AS TO CITY'S RIGHTS TO IMPROVE STREETS AND SIDEWALKS ON AND/OR NEAR SCHOOL PROPERTY.

An estimate of the cost of constructing a sidewalk on East 18th Street to Tech High School was presented by the City Manager. He advised an opinion by the City Attorney concerning the city's right and authority to construct such improvements at the city's cost would be delivered to the Council.

IMPROVEMENTS TO BURTON STREET AUTHORIZED IF FUNDS AVAILABLE AND EXPENDITURE LEGAL.

Motion was made by Councilman Newson that Burton Street, from West 13th Street to Swan Street, be improved, at an estimated cost of \$1,911.25, if funds can be made available for said improvement, and if such an expenditure is legal. Motion seconded by Councilman Childs, and unanimously carried.

IMPROVEMENTS TO WEST 13th STREET AUTHORIZED IF FUNDS AVAILABLE AND EXPENDITURE LEGAL.

Motion was made by Councilman White that West 13th Street, from Burton Street to North Summit Avenue, be improved, at an estimated cost of \$8,605.58, if funds can be made available for said improvement, and if such an expenditure is legal. Motion seconded by Councilman Newson, and unanimously carried.

TRANSFER OF FUNDS FROM EMERGENCY FUND TO INSPECTION DEPARTMENT FOR ADDITIONAL PERSONNEL.

Upon motion of Councilman Childs, seconded by Councilman Hinson, the transfer of \$2,000.00 from the Emergency Fund to the Inspection Department Budget for additional personnel was unanimously authorized.

CONTRACTS AND PURCHASES AUTHORIZED.

Motion was made by Councilman Hinson that the following contracts and purchases be authorized, and funds appropriated if necessary. Motion seconded by Councilman Johnston, and unanimously carried:

- (a) Contract with H. V. Johnson & Company, for 459.1 tons of coal, in the amount of \$3,892.64.
- (b) Purchase of repair parts for the Chlorinator from Wallace and Tiernan Company, in the amount of \$137.92.
- (c) Payment of \$120.20 to Purity Cafe for prisoners' meals from January 16th through 31st, 1946.
- (d) Contract with General Electric X-ray Corp., for water cooler, thermometer, valve and drier for the Health Department, in the amount of \$663.50 f.o.b. Chicago, Ill.
- (e) Contract with Smith-Wadsworth Hardware Company for 30 tarpaulins for the Fire Department, in the sum of \$907.50 f.o.b. Atlanta, Ga.
- (f) Contract with Cyclone Fence Division of American Steel and Wire Company, for 450 ft. wire fence, at a net price of \$780.39 installed at Elmwood Cemetery.

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REQUEST OF CAROLINA BY-PRODUCTS COMPANY TO LEASE AND/OR BUY OLD WATER WORKS LAND NEAR ANDRILL TERRACE REFERRED TO APPRAISAL COMMITTEE FOR REPORT.

The City Manager presented a request from the Carolina By-Products Company to lease and/or buy an area of land near Andrill Terrace now occupied by the old water works structure, on which they wish to construct a Fat Rendering Plant. The Mayor referred the request to the Appraisal Committee for report.

PLAT OF PINWOOD AND WOODS ISLE AVENUES, SUBMITTED BY M. LEE HEATH, APPROVED.

The City Manager presented a plat of Pinewood and Woods Isle Avenues, in Midwood Section, submitted by Mr. M. Lee Heath, and approved by the Planning Board. Motion was made by Councilman Childs that the plat be approved. Motion seconded by Councilman Hinson, and unanimously carried.

TRANSFER OF FUNDS WITHIN HEALTH DEPARTMENT AUTHORIZED.

Motion was made by Councilman White that \$2,000.00 be transferred within the Health Department budget; \$1,000.00 of same from Administrative Salaries (301 A-3) to Division of Sanitation Salaries (305 A-8) and \$1,000.00 from Child Hygiene Professional Services (303 B-21) to Division of Sanitation Salaries (305 A-8). Motion seconded by Councilman Hinson, and unanimously carried.

RESOLUTION APPROVING SETTLEMENT OF CITY OF CHARLOTTE v. WILLIAM I. BOST.

Upon motion of Councilman Johnston, seconded by Councilman Childs, the following resolution was unanimously adopted as submitted by the City Attorney:

WHEREAS, the City of Charlotte instituted tax suit No. 179 entitled "City of Charlotte v. William I. Bost, et al", on July 16, 1941, involving Assessment No. 25643, covering 200 feet of street paving on North Tryon Street, to which the defendant filed answer in said suit which was pending and at issue in the Superior Court of Mecklenburg County, and

WHEREAS, the City Attorneys of the City of Charlotte has recommended, due to the doubtful validity of said street paving assessment, that the same be settled for one-fourth of said street paving assessment, plus interest and costs, or for \$542.89.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte that the street paving assessment involved in said suit, as provided by Section 32(39) of the City Charter of the City of Charlotte, be settled upon the payment of \$542.89, on account of said street paving assessment, provided the defendant, in addition, pay \$576.22, representing taxes due the City of Charlotte involved in this said suit through the year 1945, and the payment of County taxes, together with the costs of this action.

SALES OF TAX FORECLOSED PROPERTY CONFIRMED.

Motion was made by Councilman Newson that sale of the following tax foreclosed property, on January 21, 1946, be confirmed to the high bidders:

409-11 West Kingston Avenue, to Mrs. Pauline Belton, at \$1,090.00.
430-34 Beattie's Ford Road, to Wayne A. Todd, at \$400.00.

Motion seconded by Councilman Johnston, and unanimously carried.

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POLICY ESTABLISHED WHEREBY CITY EMPLOYEES, EXCEPT MAYOR AND COUNCIL, MAY BID ON PROPERTY FORECLOSED FOR TAXES BY THE CITY AND SOLD AT PUBLIC AUCTION.

Councilman Newson requested that a policy be established relative to city employees bidding on property foreclosed for taxes by the city and sold at public auction. He stated that as city employees are citizens and tax payers of Charlotte, in his opinion they should have the same privilege of bidding on such property as other citizens. The City Attorney advised that city employees, with the exception of the Mayor and Council, were not prohibited from bidding on and buying such property at public auction.

Motion was made by Councilman Childs that bids of city employees, with the exception of the Mayor and City Councilmen, be accepted on property foreclosed for taxes by the city and sold at public auction. Motion seconded by Councilman Hinson, and unanimously carried.

PERPETUAL CARE DEED TO CEMETERY LOT AUTHORIZED ISSUED.

Upon motion of Councilman Hinson, seconded by Councilman Johnston, the issuance of a Perpetual Care Deed to Dr. H. S. Fox on Lot 370, Section Y, Elmwood Cemetery, at \$25.00, was unanimously authorized.

ADJOURNMENT.

Upon motion of Councilman Hinson, seconded by Councilman Childs, the meeting was adjourned.

Lillian R. Hoffman
City Clerk