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The regular weekly meeting of the City Council was held in the Council Chamber, City Hall, at 4:00 o'clock p. m., Wednesday, October 20, 1937, with Mayor Douglas presiding and Councilmen Albea, Barter, Durham, Griswold, Hovis, Hudson, Huntley, Little, Nance, Sides and Wilkinson being present.

Absent: None.

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READING OF MINUTES DEFERRED AT THIS TIME.

On motion of Councilman Hudson, seconded by Councilman Nance, the reading of the minutes of the previous meeting were dispensed with at this time.

CONTRACT WITH DUKE POWER COMPANY FOR ABANDONING STREET CAR SYSTEM IN CHARLOTTE AND SUBSTITUTING BUSES.

Messrs. E. C. Marshall, Vice President of the Duke Power Co., W. S. O'B. Robinson, Attorney, and J. A. Forney, Manager, were present at this meeting and the City Manager presented a contract submitted by the Duke Power Company calling for the abandonment of the street railway system in Charlotte and the substitution of buses. This contract calls for eleven routes to be covered by 56 buses; the work of paving over the tracks and re-surfacing the streets to be done by the City, for which the Duke Power Company is to pay the sum of \$20,000 and thereafter released from further obligation for maintenance and upkeep of said streets, avenues, etc.

After the reading of said contract, Councilman Wilkinson, seconded by Councilman Huntley, moved that the Mayor and Clerk be authorized to execute same on behalf of the City of Charlotte, which was unanimously carried.

Upon motion of Councilman Hudson, seconded by Councilman Durham, the following Ordinance was then presented and unanimously adopted on three readings, and declared by the Mayor to be an Ordinance of the City of Charlotte; when adopted at the next regular meeting of the Council, also:

AN ORDINANCE

AUTHORIZING, EMPOWERING AND DIRECTING DUKE POWER COMPANY TO DISCONTINUE THE MAINTENANCE, USE AND OPERATION OF ITS ELECTRIC STREET RAILWAY SYSTEM IN AND ADJACENT TO THE CITY OF CHARLOTTE, AND TO SUBSTITUTE, MAINTAIN AND OPERATE IN LIEU THEREOF MOTOR BUSES; AUTHORIZING PIEDMONT AND NORTHERN RAILWAY COMPANY TO CONTINUE TO USE AND MAINTAIN CERTAIN TRACKS IN THE CITY; AND AUTHORIZING THE EXECUTION ON BEHALF OF THE CITY OF THE CONTRACT BETWEEN THE CITY, DUKE POWER COMPANY AND PIEDMONT AND NORTHERN RAILWAY COMPANY RELATING TO SAID SUBSTITUTION AND TO SAID TRACKS.

WHEREAS, the City Council of the City of Charlotte, through its Mayor, has requested the Duke Power Company to substitute motor buses for street cars in the City of Charlotte and vicinity, and

WHEREAS, Duke Power Company, through its officers, has agreed to make this substitution, subject to the approval of the North Carolina Utilities Commission, and

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WHEREAS, pursuant to said negotiations for this substitution, a contract or agreement dated October 20, 1937 has been prepared to be executed by the Duke Power Company, the Piedmont and Northern Railway Company and the City of Charlotte; a copy of which said contract is hereto attached, and made a part of this ordinance, the terms and provisions of which contract were read, discussed and considered by the City Council of the City of Charlotte at its Regular Meeting of October 20, 1937, which agreements and provisions of said contract are satisfactory and acceptable to the Mayor and members of the City Council.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, in Regular Session:

SECTION 1. That said contract between the City of Charlotte, Duke Power Company and Piedmont and Northern Railway Company, dated October 20, 1937, relating to the substitution of motor buses for the electric street railway system of the Duke Power Company in and adjacent to the City, and to the abandonment of the street railway tracks of said electric street railway system, except the tracks now used by the Piedmont and Northern Railway Company, be, and the same hereby is, in all respects authorized and approved, and the Mayor and City Clerk are hereby authorized to execute said contract for and on behalf of the City.

SECTION 2. That in accordance with the provisions of said contract the Duke Power Company is hereby authorized, empowered and directed to discontinue the maintenance, use and operation of its electric street railway system in and adjacent to the City of Charlotte, and to substitute, maintain and operate in lieu thereof motor buses; except that the tracks described in said contract now used by the Piedmont and Northern Railway Company shall not be abandoned, and said Company, its successors and assigns, shall have the right to continue to maintain and use said tracks, as provided in said contract.

Section 3. That this ordinance shall become effective from and after the date of its passage by the City Council of the City of Charlotte at two Regular Meetings of the City Council.

CONTRACT

THIS CONTRACT made and entered into this 20th. day of October A.D., 1937, by and between the CITY OF CHARLOTTE, a municipal corporation duly created and existing under and by virtue of the laws of the State of North Carolina, party of the first part, hereinafter for convenience designated as and called the "City", and DUKE POWER COMPANY, a corporation duly organized and existing under the laws of the State of New Jersey, party of the second part, hereinafter for convenience designated as and called the "Company", and PIEDMONT AND NORTHERN RAILWAY COMPANY, a corporation duly organized and existing under and by virtue of the laws of the State of South Carolina, party of the third part, hereinafter for convenience designated as and called the "Railway Company",  
WITNESSETH:

WHEREAS, the Company now owns that certain franchise originally granted to the Charlotte Street Railway Company by Act of the General Assembly of North Carolina, Chapter 32 of the Laws of 1883, and amendments thereto, authorizing and empowering said Charlotte Street Railway Company, its successors and assigns, to construct, maintain and operate a street railway system in and adjacent to the City of Charlotte, including the right to use as motive power any power then in use or that might thereafter be invented or applied; and

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WHEREAS, under and pursuant to said franchise the Company is now maintaining and operating the street railway system in and adjacent to the City of Charlotte; and,

WHEREAS, it is the opinion of the governing body of the City that the transportation service of the Company in the City of Charlotte and vicinity will be substantially improved and the interest and convenience of the travelling public in said City and vicinity will be materially promoted by substituting a motor bus system of transportation in said City and vicinity in place of said electric street railway system; and,

WHEREAS, the City has requested the Company to make said substitution, it being the purpose and intent of the parties hereto that the franchise of the Company with respect to transportation service in the City shall not be affected by said substitution except in respect of the method and means by which said transportation service shall be rendered.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants of the parties hereto, It is hereby Agreed By and Between said parties as follows:

FIRST: Subject to the approval of the North Carolina Utilities Commission, the Company is hereby authorized, empowered and directed by the City to discontinue the maintenance, use and operation of its electric street railway system in and adjacent to the City (except the tracks hereinafter described now used by the Railway Company), and the City hereby grants unto the Company, its successors and assigns, subject to the lawful regulation and control of the City, the right, privilege and authority of substituting and operating and maintaining motor buses in lieu of street railway lines in and upon the entire length of any and all streets, avenues and alleys of said City.

SECOND: Subject to such changes as may be lawfully made, the Company shall charge the same fares and maintain the same transfer privileges on said motor bus system as are now charged and maintained on its existing electric street railway system.

THIRD: Subject to such changes as may be lawfully made, the Company shall, as soon as practicable after said substitution shall have been authorized and approved by the North Carolina Utilities Commission, inaugurate and put into effect the following motor bus routes, to-wit:

(1) BELMONT-DILWORTH.

BEGINNING at the Square (corner of Trade and Tryon Streets), thence along Trade to McDowell, McDowell to Seventh, Seventh to Central, Central to Louise, Louise to Belmont, Belmont to Pegram, Pegram to Grace, Grace to Allen, Allen to Parkwood and Parkwood to Pegram; thence returning along Pegram, Belmont, Louise, Central, Seventh, McDowell and Trade to the Square; thence along Tryon to Morehead, Morehead to South Boulevard, South Boulevard to East Boulevard, East Boulevard to Dilworth Road West, Dilworth Road West to Dilworth Road East, Dilworth Road East to East Boulevard, thence along East Boulevard, South Boulevard, Morehead and Tryon to the Square.

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(2) NO. CHARLOTTE-DILWORTH.

BEGINNING at the Square, thence along North Tryon Street to Eleventh, Eleventh to Brevard, Brevard to Mallory, Mallory to Caldwell, Caldwell to Thirty-sixth, Thirty-sixth to Plaza, Plaza to Herrin, Herrin to Holt, Holt to Thirty-sixth; thence returning along Thirty-sixth, Caldwell, Mallory, Brevard and Eleventh to College; thence along College to Thirteenth, Thirteenth to Tryon and Tryon to the Square; thence along Tryon to Morehead, Morehead to South Boulevard, South Boulevard to East Boulevard, East Boulevard to Dilworth Road West, Dilworth Road West to Dilworth Road East, Dilworth Road East to East Boulevard; thence along East Boulevard, South Boulevard, Morehead and Tryon to the Square.

(3) ELIZABETH-DILWORTH.

BEGINNING at the Square, thence along East Trade Street and Elizabeth Avenue to Hawthorne Lane, Hawthorne to Seventh Street, Seventh to Fifth, Fifth to Hawthorne Lane, Hawthorne to Elizabeth Avenue, Elizabeth and Trade Street to the Square; thence along Tryon to Morehead, Morehead to South Boulevard, South Boulevard to East Boulevard, East Boulevard to Dilworth Road East, Dilworth Road East to East Boulevard; thence along East Boulevard, South Boulevard, Morehead and Tryon to the Square.

(4) BIDDLEVILLE-SECOND WARD.

BEGINNING at the Square, thence along West Trade Street and Beatty's Ford Road to Davis Avenue; thence returning by the same route to the Square; thence along East Trade Street to Brevard, Brevard to First, First to Alexander, Alexander to Boundary, Boundary to McDowell, McDowell to Trade; thence along Trade to the Square.

(5) THOMASBORO-MYERS PARK.

BEGINNING at the corner of Trade and Mint Streets, thence along Trade Street and Rozzell's Ferry Road to the City Limits; thence along Mount Holly Road, Hoskins Avenue, Thomas Avenue, Thomasboro Belt Road and Thrift Road to the City Limits; thence along Thrift Road to Morehead Street, Morehead to Mint and Mint to Trade (which portion of said route will be operated in opposite directions); thence along Trade Street and Elizabeth Avenue to Hawthorne Lane, Hawthorne to Queens Road, Queens Road to Criercliff Place, along Briarcliff Place, Briarwood Road, Malvern Road, Hampton Avenue and Beverly Drive to Providence Road, and Providence Road to Queens Road; thence returning along Queens Road, Hawthorne Lane, Elizabeth Avenue and Trade Street to the BEGINNING.

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(6) SELWYN AVENUE-OAKLAWN.

BEGINNING at the Square, thence along East Trade Street to McDowell, McDowell to Morehead, Morehead to Kenilworth, Kenilworth to East Boulevard, East Boulevard, Queens Road and Radcliffe Avenue to Selwyn Avenue, Selwyn to Ridgewood Avenue, Ridgewood, Marston Road and Hillside to Selwyn; thence returning along Selwyn Avenue and the other named streets to the Square; thence along West Trade to Graham, Graham Street and Statesville Avenue to Oaklawn Avenue, and Oaklawn to Austin Avenue; thence returning along Oaklawn, Statesville, Graham and Trade to the Square.

(7) FIRST WARD-STATE STREET.

BEGINNING at the Square, thence along Trade Street to Brevard, Brevard to Eleventh, Eleventh to Davidson, Davidson to Ninth, Ninth to Myers, Myers to Trade, and Trade to the Square; thence along West Trade to State Street, and State to Turner Avenue; thence returning along State and Trade to the Square.

(8) EASTOVER-SOUTHERN STATION.

BEGINNING at the Square, thence along Trade Street and Elizabeth Avenue to Hawthorne Lane, Hawthorne Lane to Fourth Street, Fourth and Crescent Avenue to Laurel Avenue, Laurel to Cherokee Road, Cherokee to Cottage Place, Cottage Place to Providence Road, Providence Road to Laurel Avenue; thence returning along Laurel, Crescent, Fourth, Hawthorne, Elizabeth and Trade to the Square; thence along West Trade Street to Graham, Graham to Fifth, Fifth to Wilkes Place, Wilkes Place to Trade Street; thence to the Square.

(9) MIDWOOD-WESLEY HEIGHTS.

BEGINNING at the Square, thence along Trade Street to McDowell, McDowell to Seventh, Seventh to Hawthorne Lane, Hawthorne to Central Avenue, Central to Club Road, Club Road to Belvedere Avenue, Belvedere to Plaza, Plaza to Mecklenburg; thence returning along Plaza to Central Avenue; thence returning along Central, Hawthorne, Seventh, McDowell and Trade to the Square; thence along West Trade Street to Cedar, Cedar to Morehead, Morehead to Walnut Avenue, Walnut to Third Street, Third to Summitt Avenue, Summitt to Morehead; thence returning along Morehead, Cedar and Trade to the Square.

(10) FOURTH WARD-MOREHEAD.

BEGINNING at the Square, thence along North Tryon Street to Twelfth, Twelfth to Church, Church to Tenth, Tenth to Pine, Pine to Eleventh, Eleventh to Graham, Graham to Twelfth, Twelfth to Pine, thence returning along Pine, Tenth, Church, Twelfth, and Tryon to the Square; thence along Tryon to Morehead, Morehead to Dilworth Road, Dilworth Road to Mount Vernon, Mount Vernon to Myrtle, Myrtle to Berkley, Berkley to Dilworth Road, Dilworth Road to Romany Road, east along Romany Road to Morehead, thence along Morehead to Tryon and Tryon to the Square.

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(11) WILMORE-LOCKWOOD.

BEGINNING at the Square, thence along North Tryon Street to Keswick, Keswick to Hutchison, Hutchison and Graham to Eighth, Eighth to Tryon and Tryon to the Square; thence along Tryon to West Boulevard, West Boulevard to Mint, Mint to West Park Avenue, West Park to Wilmore Drive, Wilmore Drive and Dowd Road to Mint, Mint to First, First to Tryon and thence along Tryon to the Square.

FOURTH: Upon said motor bus system being substituted for said street railway system, the Company shall discontinue the operation of said electric street railway system, together with any motor bus routes not included in those above enumerated which are now operated in connection with said system, and the street railway tracks located upon the various streets, avenues and alleys of the City (except the tracks described in Paragraph FIFTH hereof), shall be paved over, or said streets, avenues and alleys shall be otherwise resurfaced to the satisfaction of the City, except that tracks located upon unpaved streets may be taken up by the Company, in which event it shall restore such streets to their prior condition. The work of paving over said railway tracks and resurfacing said streets shall be done by the City and the Company shall pay the City therefor the sum of Twenty Thousand (\$20,000) Dollars. Upon said amount being paid, the Company, its successors and assigns, shall be released from any further obligation for the maintenance and upkeep of said streets, avenues and alleys, or for street improvement assessments, except assessments for which the Company, its successors or assigns, may become liable as an abutting property owner.

FIFTH: The railway tracks now used by the Railway Company in the operation of its railway into the City and into its freight and passenger stations located in the City, and the track upon and along Mint Street from a point approximately ten feet south of the intersection of Mint and Fourth Streets to a point approximately fifty feet north of the intersection of the west curb line of Mint Street with the north curb line of Hill Street which are now used by the Railway Company, shall not be abandoned, and the said Railway Company, its successors and assigns, shall have the right (in addition to such other rights as it has) to maintain said tracks along and over said streets and to operate its trains and cars thereover under the aforesaid franchise of the Duke Power Company, and during the life of said franchise shall be under the same obligations for the maintenance and upkeep of said streets and for street improvement assessments in respect thereof as the Duke Power Company, its successors and assigns, would have been under had the Duke Power Company, instead of the Railway Company, continued to maintain said tracks upon and along said streets.

SIXTH: The Company agrees that it will join with the City in a formal application to the North Carolina Utilities Commission for the approval by said Commission of the substitution of said motor bus system in the City of Charlotte and vicinity in place of the existing electric street railway system and for authority to carry out and perform this agreement.

SEVENTH: Upon said substitution being approved by said North Carolina Utilities Commission this agreement shall be binding upon and shall inure to the benefit of the parties hereto, their successors and assigns; and said franchise originally granted to the Charlotte Street Railway Company, its successors and assigns, as hereby modified, shall continue and remain in full force and effect.

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IN WITNESS WHEREOF, the CITY OF CHARLOTTE, having duly approved the execution of this contract by ordinance and resolution duly voted on and passed at two regular meetings of the City Council of said City, duly assembled on the 20th day of October, 1937, and on the \_\_\_\_\_ day of October 1937, has caused this contract to be signed by its Mayor, and its corporate seal to be hereunto affixed and attested by its City Clerk, and DUKE POWER COMPANY has caused this contract to be signed in its name and behalf by its Vice President, and its corporate seal to be hereunto affixed and attested by its Assistant Secretary, and PIEDMONT AND NORTHERN RAILWAY COMPANY has caused this contract to be signed in its name and behalf by its President, and its corporate seal to be hereunto affixed, and attested by its Secretary, and said contract has been so executed by said parties in triplicate, the day and year first above written.

ATTEST: CITY OF CHARLOTTE,  
\_\_\_\_\_  
City Clerk By \_\_\_\_\_  
Mayor

ATTEST: DUKE POWER COMPANY  
\_\_\_\_\_  
Assistant Secretary By \_\_\_\_\_  
Vice President

ATTEST: PIEDMONT AND NORTHERN RAILWAY  
COMPANY,  
\_\_\_\_\_  
Secretary By \_\_\_\_\_  
President

**ORDINANCE AND CONTRACT TO BE PUBLISHED IN TWO NEWSPAPERS.**

On motion of Councilman Sides, seconded by Councilman Alba, the above ordinance and contract are to be published in both the Charlotte News and the Charlotte Observer once each week for two weeks.

Councilman Baxter extended congratulations to the Duke Power Company for this forward step in abandoning the street railway system in Charlotte.

**ARMORY-AUDITORIUM USE GRANTED TO SECOND WARD HIGH SCHOOL WITHOUT COST.**

Upon request of J. E. Grigsby, Principal of Second Ward High School, Councilman Sides moved that use of the Armory-Auditorium be granted without cost to this School for a Musical they are sponsoring on the night of November 9th, 1937. Motion seconded by Councilman Griswold and unanimously carried.

**SEVERSVILLE SECTION ASKED FOR POLICE PROTECTION.**

A delegation of citizens from the Seversville section of the City appeared before the Council asking for police protection from 8 p.m. until 6 a.m., stating that they are having an unusual amount of robberies and that while Mr. Marshall had given them a temporary officer, they were requesting a man to be assigned to that section permanently.

Thereupon, Councilman Hovis, seconded by Councilman Sides, moved

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that this matter be referred to the Police Committee, the City Manager and the Chief of Police with power to act immediately as they see fit. Motion unanimously carried.

REQUEST FOR REFUND ON STREET ASSESSMENT.

Mr. B. N. Andrews appeared and requested cancellation of the balance due on street assessment on his property on the corner of Alberta Street and Providence Road on the ground that there was a double assessment on this property in 1926 and 1927, of \$1,000 each on the two sides, one on Alberta and one on Providence Road, that this is a very cheap piece of property and the assessment is greater than the appraised value of the land.

He also asked for refund, amounting to \$314.00, which had already been paid on one side, and the waiving of the balance of \$214.00.

On motion of Councilman Hudson, seconded by Councilman Albea and unanimously carried, this was referred to the City Manager and City Attorney for report back to the Council at the next meeting.

APPROVAL OF MINUTES OF OCTOBER 13th, MEETING.

On motion of Councilman Albea, seconded by Councilman Wilkinson, the minutes of the previous meeting, October 13th, were approved as read.

REQUEST OF Y.M.C.A. FOR FREE USE OF ARMORY.

A letter having been received from Mr. W. A. Richard, Chairman of the Y.M.C.A. Boxing Committee for use of the Armory-Auditorium without charge for ten Friday nights from December 3rd. to March 4th., the proceeds to go for under-privileged boys work, Councilman Albea, seconded by Councilman Huntley, moved that this request be granted provided it does not conflict with the use of the Armory by the High School boxing teams. However, after discussion, request not having been received as yet for the Armory by the High School teams, Councilman Albea, with Councilman Huntley seconding, moved that the above motion be tabled until the next meeting, which carried unanimously.

STREET ASSESSMENT SETTLEMENT ON SEIGLE AVENUE PROPERTY APPROVED.

The City Manager reported receipt of a communication from the Collector of Revenue relative to street assessment on property located at #1417 and #1423 Seigle Avenue, advising that the total appraisal of these two lots is \$1000.00 and that the assessment and interest amounts to \$1266.53; that the house on lot #1417 is in a very dilapidated state and that the owner had offered to settle for the sum of \$600.00, which settlement was recommended by the Collector of Revenue and the City Manager.

Thereupon, Councilman Albea moved that settlement be made for the sum of \$600.00, which motion was seconded by Councilman Huntley and carried.

REPEAL OF RESOLUTION FOR ISSUANCE OF PARK IMPROVEMENT BONDS.

Mr. Marshall reported that request had been received from Masslich & Mitchell, Bond Attorneys, in connection with the pending test case, that the City repeal the resolution adopted September 9, 1936, authorizing the issuance of \$75,000 Park Improvement Bonds, and the following Ordinances were presented for adoption:



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A regular meeting of the City Council was held in the Council Chamber of the City Hall at 4 o'clock, P. M., Mayor Douglas presiding, and Councilmen Albea, Baxter, Durham, Griswold, Hovis, Hudson, Huntley, Little, Nance, Sides and Wilkinson being present.

Absent: None.

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Councilman Griswold introduced the following resolution, and the same was read:

RESOLUTION REPEALING A RESOLUTION  
ADOPTED SEPTEMBER 9, 1936 ENTITLED  
"RESOLUTION AUTHORIZING THE ISSU-  
ANCE OF \$75,000 PARK IMPROVEMENT  
BONDS".

BE IT RESOLVED by the City Council of the City of Charlotte that the resolution adopted by this Board on September 9, 1936 entitled "Resolution authorizing the issuance of \$75,000 Park Improvement Bonds", be and the same is hereby repealed and the City Clerk is hereby directed to make a notation on page 450 of Minute Book No. 5 that said resolution was repealed on October 20, 1937 and make a reference to the page of the Minute Book at which this resolution is recorded.

Upon motion of Councilman Griswold, seconded by Councilman Wilkinson and unanimously carried, the foregoing resolution entitled "Resolution repealing a resolution adopted September 9, 1936 entitled "Resolution authorizing the issuance of \$75,000 Park Improvement Bonds" " was read and passed upon its first reading. The votes cast upon its first reading were as follows:

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Councilman Albea	AYE
Councilman Baxter	AYE
Councilman Durham	AYE
Councilman Griswold	AYE
Councilman Hovis	AYE
Councilman Hudson	AYE
Councilman Huntley	AYE
Councilman Little	AYE
Councilman Nance	AYE
Councilman Sides	AYE
Councilman Wilkinson	AYE

Upon motion of Councilman Griswold, seconded by Councilman Wilkinson and unanimously carried, the foregoing resolution entitled "Resolution repealing a resolution adopted September 9, 1936 entitled 'Resolution authorizing the issuance of \$75,000 Park Improvement Bonds' " was read and passed upon its second reading. The votes cast upon its second reading were as follows:

Councilman Albea	AYE
Councilman Baxter	AYE
Councilman Durham	AYE
Councilman Griswold	AYE
Councilman Hovis	AYE
Councilman Hudson	AYE
Councilman Huntley	AYE
Councilman Little	AYE
Councilman Nance	AYE
Councilman Sides	AYE
Councilman Wilkinson	AYE

Upon motion of Councilman Griswold, seconded by Councilman Wilkinson and unanimously carried, the foregoing resolution

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entitled "Resolution repealing a resolution adopted September 9, 1936 entitled 'Resolution authorizing the issuance of \$75,000 Park Improvement Bonds' " was read and passed upon its third and final reading and the Mayor declared it had passed. The votes cast upon its third and final reading were as follows:

Councilman Albea	AYE
Councilman Baxter	AYE
Councilman Durham	AYE
Councilman Griswold	AYE
Councilman Hovis	AYE
Councilman Hudson	AYE
Councilman Huntley	AYE
Councilman Little	AYE
Councilman Nance	AYE
Councilman Sides	AYE
Councilman Wilkinson	AYE

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A regular meeting of the City Council was held in the Council Chamber of the City Hall at 4:00 o'clock, P. M., Mayor Douglas presiding and Councilmen Albea, Baxter, Durham, Griswold, Hovis, Hudson, Huntley, Little, Nance, Sides and Wilkinson being present.

Absent: None.

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Councilman Hovis introduced the following ordinance, and the same was read:

WHEREAS, \$100,000 Bond Anticipation Notes dated May 1, 1937 and maturing August 2, 1937 were issued in anticipation of the receipt of the proceeds of \$100,000 Street Improvement Bonds authorized by an ordinance passed June 3, 1936, and

WHEREAS, said \$100,000 Bond Anticipation Notes were funded and paid by \$100,000 Street Improvement Funding Bonds dated August 1, 1937, and authorized by an ordinance passed June 9, 1937; now, therefore,

BE IT ORDAINED by the City Council of the City of Charlotte:

Section 1. That the authority to issue any bonds or any additional bond anticipation notes under the ordinance passed June 3, 1936 be and the same is hereby repealed.

Section 2. That this ordinance shall take effect upon its passage and shall not be published.

Upon motion of Councilman Hovis, seconded by Councilman Albea, and unanimously carried, the foregoing ordinance was read and passed upon its first reading. The votes cast upon the first reading were as follows:

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Councilman Albea	AYE
Councilman Baxter	AYE
Councilman Durham,	AYE
Councilman Griswold	AYE
Councilman Hovis	AYE
Councilman Hudson	AYE
Councilman Huntley	AYE
Councilman Little	AYE
Councilman Nance	AYE
Councilman Sides	AYE
Councilman Wilkinson	AYE

Upon motion of Councilman Hovis, seconded by Councilman Albea and unanimously carried, the foregoing ordinance was read and passed upon its second reading. The votes cast upon its second reading were as follows:

Councilman Albea	AYE
Councilman Baxter	AYE
Councilman Durham	AYE
Councilman Griswold	AYE
Councilman Hovis	AYE
Councilman Hudson	AYE
Councilman Huntley	AYE
Councilman Little	AYE
Councilman Nance	AYE
Councilman Sides	AYE
Councilman Wilkinson	AYE

Upon motion of Councilman Hovis, seconded by Councilman Albea and unanimously carried, the rules were suspended and the foregoing ordinance was read and passed upon its third and final

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reading and declared to be an ordinance by the Mayor. The votes cast upon its third and final reading were as follows:

Councilman Albea	AYE
Councilman Baxter	AYE
Councilman Durham	AYE
Councilman Griswold	AYE
Councilman Howis	AYE
Councilman Hudson	AYE
Councilman Huntley	AYE
Councilman Little	AYE
Councilman Nance	AYE
Councilman Sides	AYE
Councilman Wilkinson	AYE

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PURCHASE OF CAR OF ASPHALT.

On motion of Councilman Wilkinson, seconded by Councilman Albea, the Mayor and Clerk were authorized to sign contract with the Texas Company for one car of Mixed Asphalt, at the delivered price of \$594.99.

Bids received on this material were as follows:

The Texas Company			
Approximately 3025 Gals ACP-1 Cold Patch			
Asphalt @	\$ .1071 per gal		\$323.98
"	1,375 Gals AF-2 Joint Filler		136.26
Asphalt @	\$ .0991 per gal		134.75
"	1,375 Gals AP-2 Penetration		134.75
Asphalt @	\$ .0980 per gal		134.75
		TOTAL	<u>\$594.99</u>
Standard Oil Company	ditto	Item 1	\$323.98
	"	" 2	137.50
	"	" 3	134.75
		TOTAL	<u>\$596.23</u>
American Bitumuls Company	"	Item 1	\$327.91
		" 2	150.84
		" 3	143.96
		TOTAL	<u>\$622.71</u>

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OF THIS MEETING.

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AGREEMENT WITH NORFOLK-SOUTHERN RAILWAY.

On motion of Councilman Albea, seconded by Councilman Huntley, the Mayor and Clerk were authorized to execute on behalf of the City of Charlotte an agreement with the Norfolk-Southern Railroad Company an agreement covering crossing under their tracks with a water main at 20th. and Brevard Streets, this being the standard form agreement.

AGREEMENT WITH SOUTHERN RAILWAY COMPANY FOR CROSSING UNDER TRACKS ON DOWD ROAD.

On motion of Councilman Wilkinson, seconded by Councilman Sides, the Mayor and Clerk were also authorized to sign an agreement with the Southern Railway Company for crossing under their tracks with water main at Dowd Road, as shown on blue-print of Drawing A-6486; this also being a standard form agreement.

AGREEMENT WITH SOUTHERN RAILWAY COMPANY FOR STORM SEWER NEAR SOUTHERN STATION.

The City Manager presented an agreement between the City of Charlotte and the Southern Railway Company for the laying of storm sewer pipes and the construction of man holes and catch basins on the property of the Southern Railway Company, in the vicinity of their passenger station, the City to do said work and the Southern Railway Company to grant and convey to the City an easement upon their property for installing said pipes, manholes and catch basins; the work to be subject to the supervision of the Chief Engineer Maintenance of Way & Structures of the Railway Company at Charlotte, and the Railway Company to furnish pipe and other materials to be used in the construction of said facilities.

On motion of Councilman Huntley, seconded by Councilman Wilkinson and carried unanimously, the Mayor and Clerk were authorized to execute the said agreement for the City of Charlotte.

INVITATION TO COUNCIL TO ATTEND FISH FRY AND ALSO, OPENING OF BIDS ON FILTER PLANT EXTENSION.

Mr. Marshall extended to the Council an invitation to attend a fish fry to be given by the employees of the City Garage, at the Garage on Thursday evening, October 21st.

He also advised that bids on the Filter Plant Extension, which is the largest part of the Water Works Extension program, would be opened at 11 a.m., Friday, October 22nd., and invited as many of the Council to be present at that time as could arrange to do so.

CEMETERY DEEDS.

On motion of Councilman Sides, seconded by Councilman Albea, the following cemetery deeds were approved:

Harry Kirkpatrick, Lot No. 70, Section "Y", Elmwood Cemetery	\$35.00
Mr. & Mrs. Mark L. Bowling, West Half Lot #44-C, "D Annex"	40.25

Deed to William Robinson Estate for Lot No. 15, Sec. "E", West Pinewood Cemetery, no consideration; this deed being issued in lieu of deed dated Aug. 2, 1890, for Lot 51, Section "B", Old Pinewood; No lot in Old Pinewood being recorded or shown on map under this number.



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ADJOURNMENT.

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

Alice B. McConell  
City Clerk