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The City Council met in regular weekly session, in the Council Chamber, City Hall, at 4:00 o'clock P. M., Wednesday, May 22, 1940, Mayor Douglas presiding, and Councilmen Baxter, Britt, Hovis, Hudson, Huntley, Little, Sides, Ward and Wilkinson being present.

Absent: Councilmen Albea and Nance.

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MINUTES OF PREVIOUS MEETING READ AND APPROVED.

On motion of Councilman Huntley, seconded by Councilman Ward, the minutes of the meeting of May 15th. were approved as read.

RESOLUTION RELATIVE TO REMOVAL OF GRAVES ON QUEENS ROAD FOR LITTLE THEATRE.

Mr. John H. Small, Attorney and members of a committee interested in The Little Theatre work in Charlotte, appeared before the Council relative to the erection of a building on Queens Road for the Little Theatre, on a tract of land containing the graves of unknown colored persons, and after explaining to the Council the desire to have these graves moved to another cemetery, and on motion of Councilman Sides, seconded by Councilman Hovis and unanimously carried, the following Resolution was adopted:

WHEREAS, in the second block of Queens Road between Colonial Avenue and Dartmouth Place there are the graves of a few unknown colored persons, none of whom were buried there since 1900; whereas, not only are the names of the persons buried unknown but none of the relatives are known; whereas, there are no markers, gravestones or other means of identification of said graves; and the property has long since been abandoned as a burial ground;

Whereas, the section in which said graves are located has been built up for residential and business purposes and the existence of said graves is inconsistent with said development;

Whereas, Mary Myers Dwelle, Marguerite S. Myers, widow of Richard A. Myers, and Sophie Myers Stephens are the owners of said property and have offered and contracted to convey to the Little Theatre of Charlotte, N. C., a tract of land including the burial ground without reservation of the burial ground (which contract has been exhibited to the City Council), at a price greatly below its market value in order to encourage and assist the building of a Little Theatre in Charlotte, and the property is to be conveyed to the Little Theatre of Charlotte subject to restrictions that it shall be used only for a Little Theatre or residential purposes; and whereas, it is the intention of the Little Theatre if said graves can be removed to build an attractive theatre for the use and benefit of the citizens of Charlotte; and whereas, such a structure in addition to providing an adequate Little Theatre will provide additional auditorium facilities;

Whereas, the Charter of the Little Theatre provides "In the event of dissolution of this corporation, the property constituting the same may be conveyed to some other non-profit sharing corporation or to the trustees of some non-profit sharing organization, dedicated to similar purposes; in the event such conveyance be not made the title to said property will pay to the City of Charlotte, North Carolina."

NOW, THEREFORE, BE IT RESOLVED by the Council of the City

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of Charlotte at its regular meeting held on Wednesday the 22nd. day of May, 1940, that in the opinion of said Council it is necessary and expedient to move the graves located in Tax Block No. 2-392 of the City of Charlotte fronting on the east side of Queens Road in the block bounded on the north by Colonial Avenue and on the south by Dartmouth Place, and that it shall be lawful for the Little Theatre of Charlotte upon becoming the owner of the land whereon said graves are situated for the purpose above expressed, after 30 days notice to the relatives of the deceased persons buried therein, if any are known, and if none are known then after 30 days notice printed in some newspaper in Mecklenburg County, to remove the graves located on said land to a suitable lot in some other cemetery, due care being taken to protect tombstones, if any, and put and replace them properly so as to leave the graves in as good condition as before removal; provided, that all of said work shall be done under the supervision of the County Health Officer and the Board of County Commissioners, all as by law provided in Chapter 175 of the Public Laws of 1927, the same being Section 5030 (al), N. C. Code of 1939.

APPROVED AS TO FORM:

J. M. Scarborough  
City Attorney

CRIME PREVENTION YOUTH CLUB GRANTED FREE USE OF ARMORY-AUDITORIUM JUNE 4TH.

Mr. Raymond Presson, Police Officer and organizer of the Crime Prevention Youth Club in Charlotte, requested free use of the Armory-Auditorium on the night of June 4th. for a Junior Boxing Exhibition, the proceeds to be used for purchasing equipment, etc. for the newly organized Club.

On motion of Councilman Wilkinson, seconded by Councilman Huntley and unanimously carried, this date was granted without cost, and Mayor Douglas commended Mr. Presson upon the splendid work he has done in this connection.

APPROVAL OF CHAIRMAN OF AIRPORT COMMISSION IN ENTERING BID WITH U. S. GOVERNMENT, AIR CORPS, FOR THE FURNISHING OF GASOLINE AND OIL.

Mr. Chas. E. Lambeth, Chairman of the Municipal Airport Commission, advised the Council that the Commission had just authorized him, as Chairman to enter a bid and bid bond with the U. S. Government, War Department, Air Corps, for the furnishing of a six months supply of gasoline and oil to Government planes, and that on motion of Commissioner Boyd, seconded by Commissioner Coddington, he was authorized to bid the price of 29¢ per gallon on the Gasoline and \$1.00 per gallon on the price of Oil.

On motion of Councilman Wilkinson, seconded by Councilman Little and unanimously carried, the action of the Commission was approved by the City Council.

NOTICE OF CLAIM FOR DAMAGES AGAINST THE CITY OF CHARLOTTE.

The City Manager reported receipt of a letter from Ralph V. Kidd and Uhlman S. Alexander, notifying the City of a claim for alleged injuries sustained by Jim Robinson and Jim Stafford, on West 8th. Street; amount of suit \$6,050.00. This was referred to the City Attorney for handling.

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RESOLUTION RELATIVE TO THE CLOSING OF STREETS SHOWN ON SUBDIVISION MAP OF THE STONEWALL DEVELOPMENT COMPANY.

On motion of Councilman Baxter, seconded by Councilman Little and unanimously carried, the following Resolution was adopted:

WHEREAS, two maps of the property of Stonewall Development Company were recorded in the Office of the Register of Deeds for Mecklenburg County, one in Map Book 3, Page 294, and the other in Map Book 3, Page 499, and upon said maps Maxwell Street appears extending from LaFayette Street (now Lyon Street) to Wesley Drive (now Ivey Drive), and Barron Street appears extending from Wassena Street (now Morningside Drive) to Wesley Drive (now Ivey Drive), and that said portions of Maxwell Street and Barron Street have never been opened to use of the public or in any manner taken over, accepted or approved by the City of Charlotte, and that the City of Charlotte has been requested by the owners of the property shown upon said maps that any dedication on account of the registration thereof or otherwise be not accepted.

IT IS THEREFORE RESOLVED that the City of Charlotte does not accept the dedication of that portion of Maxwell Street and of Barron Street hereinbefore specifically referred to.

PURCHASE OF STRIP OF LAND AT SCOTT AVENUE AND SCOTT COURT FOR CHARLOTTE MEMORIAL HOSPITAL.

On motion of Councilman Little, seconded by Councilman Huntley, authority was given for the purchase of a strip of property 10-feet wide at the intersection of Scott Avenue and Scott Court, from Mrs. Kate Squires, for \$250.00; this land to be used in connection with the Charlotte Memorial Hospital.

CONTRACT WITH HOUSING AUTHORITY FOR WATER SERVICE.

On motion of Councilman Wilkinson, seconded by Councilman Hudson and unanimously carried, the Mayor and Clerk were authorized to sign a contract with the Housing Authority of the City of Charlotte for water service to the housing projects in the City of Charlotte.

The agreement between the Housing Authority and the City of Charlotte covering this water service was read in its entirety by the City Manager to the Council.

SECURITIES FOR TAXICAB BONDS.

The City Treasurer reported that under date of May 9th. he accepted from the Beaty Service Company \$100.00 in cash and \$1500.00 in certificates of deposit and notified the Police Department that the Beaty Service Company was entitled to operate sixteen additional taxicabs. Before accepting the certificates of deposit, he stated that he communicated with Mr. Sherrill of the Morris Plan Bank, who advised that there would be no difficulty in cashing these certificates should it become necessary. He also stated that he had a statement from the Morris Plan Bank and the City Industrial Bank that deposits with them are protected up to \$5000.00 under the Federal Deposit Insurance Corporation; also that Beaty Service Company is desirous of purchasing additional certificates of deposit up to the amount of the guarantee in order to realize some interest on the

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cash bond held by the City of Charlotte, and asked the approval or disapproval of the Council on the acceptance of certificates of deposit in such banks as protect the depositors under the F.D.I.C. plan.

On motion of Councilman Hovis, seconded by Councilman Hudson and carried, the Council gave its approval of the acceptance of such certificates of deposit.

#### ADDITIONAL FUNDS FOR FIRE SURVEY.

The City Manager reported that on April 10th. the Council appropriated \$1000.00 for a survey of the existing conditions in apartment houses and other structures in the City of Charlotte and that the committee supervising this survey extended the scope of the work and is now having all commercial buildings inspected. The original appropriation of \$1000.00 has been exhausted and it will require \$500.00 additional to carry the survey through this fiscal year.

On motion of Councilman Wilkinson, seconded by Councilman Hovis, this \$500.00 was authorized to be appropriated from the Emergency Fund in order to continue this survey.

#### EXTENSION OF TIME FOR COMPLETION OF CHARLOTTE MEMORIAL HOSPITAL.

On motion of Councilman Baxter, seconded by Councilman Hovis, the following resolution was unanimously adopted:

#### RESOLUTION REQUESTING EXTENSION OF COMPLETION DATE OF THE CHARLOTTE MEMO- RIAL HOSPITAL, DOCKET NO. NC-1412-F.

WHEREAS, the City of Charlotte is constructing a hospital, designated as Docket No. NC-1412-F, under an agreement with the Public Works Administration, which project was started October 29, 1938, and the completion date stated in the existing Agreement is May 25, 1940; and

WHEREAS, because of the fact that there has been a delay in the award of all equipment contracts, it is necessary that the completion date be extended in order that the equipment contractors have ample time to make delivery; and

WHEREAS, on February 27, 1940, the City asked for bids on all equipment in contracts Nos. 18 to 32 inclusive, and these bids were duly received and tabulated, but because of a delay by the Public Works Administration in the payment of a grant requisition, due in January 1940, and because the City did not have ample funds in this account to finance these equipment contracts without procuring the grant, it was necessary that the actual award of these contracts be delayed until such time as the matter relating to the grant payment could be settled. A number of conferences were held with the officials of the Public Works Administration in regard to this grant payment, but it was not settled until May 22, 1940, and, therefore, the time of delivery of the equipment, valued at approximately \$80,000.00, must be extended. The percentage of completion of the entire docket is 93% and all the work will be substantially completed by May 25, 1940, with the exception of the aforesaid equipment contracts, Numbers 18 to 32 inclusive, and

WHEREAS, the Equipment Contracts, Nos. 18 to 32, inclusive, carry a completion date of May 15, 1940, and it is obviously impossible to complete these contracts by that date, and it is necessary that an extension of time be requested on the above numbered contracts.

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NOW, T HEREFOR, BE IT RESOLVED That the City Council of the City of Charlotte requests: 1st. That the Public Works Administration extend the completion date on Equipment Contracts Nos. 18 to 32 inclusive, until July 15, 1940. 2nd. That the Public Works Administration extend the completion date of Docket No. NC-1412-F until August 1, 1940.

PURCHASE OF BOND FOR SINKING FUND ACCOUNT.

On motion of Councilman Hovis, seconded by Councilman Little, the City Treasurer was authorized to purchase \$6,000.00 Lenoir County Road Improvement Bonds, due 6-1-41, to yield 2.75%, subject to the approval of the Local Government Commission.

EXCESS AMOUNT REQUIRED FOR WIDENING OF EAST 11TH STREET TO BE PAID FROM EXCESS REVENUE FROM BACK TAXES.

On motion of Councilman Wilkinson, seconded by Councilman Baxter and carried, the excess amount required for the completion of the widening of East 11th. Street is to be taken care of from excess revenue derived from back taxes.

RESOLUTION CONDEMNING PROPERTY FOR AIRPORT RUNWAYS.

The following Resolution was read by Mayor Douglas and on motion of Councilman Hovis, seconded by Councilman Wilkinson, was unanimously adopted:

WHEREAS, on account of rapid developments in aviation during the past few years, in the opinion of the City Council of the City of Charlotte, the runways of the Municipal Airport of said City of Charlotte are in great need of being extended in their length in order to accomodate larger and more modern planes as the present runways are inadequate to take care of the present and future needs of airplane service.

BE IT, THEREFORE, RESOLVED by the City Council of the City of Charlotte in regular session, that the present airport facilities of the Municipal Airport of the City of Charlotte are inadequate and that it is necessary to extend the runways of said airport and in order to do so, it is necessary that certain lands be acquired by the City of Charlotte for this purpose, said lands being described as follows:

BEGINNING at a stake in center line of the south end of Airport Runway "E" of the Charlotte Municipal Airport Property, which stake is also on the dividing line between the said airport lands and a tract belonging to S. R. Berryhill, thence with the dividing line between the said airport and said S. R. Berryhill properties N. 79° 47' 3" E. 302.5 feet to a stake; thence S. 2° 53' E. 1,151.7 feet (being 300 feet at right angles from and parallel with the present center line of airport runway "E" if extended or projected southerly in a straight line), to a stake in the center of Dixie Road; thence with the center line of said road S. 53° 53' W. 717.3 feet to a stake; thence N. 2° 53' W. 1,467.7 feet to a stake on the dividing line between the said airport and Berryhill properties; thence with the said common dividing line N. 79° 47' 30" E. 302.5 feet to the BEGINNING, and containing 18.0 acres, more or less, and being a strip of land off of a tract of land belonging to S. R. Berryhill as recorded in

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book 241, on page 205 in the office of the Register of Deeds for Mecklenburg County, N.C., to which reference is hereby made.

And that said lands be used for the purpose of extending the said runways and that the said extension is necessary for the public interest and that since the City of Charlotte has not been able to acquire the title to said land by agreement, after the City of Charlotte made a fair and reasonable offer for said land, the City Council does hereby resolve that said land is necessary for the purposes herein expressed and that it is necessary to condemn the same under the powers of Eminent Domain for said purposes and the said Council does hereby order the same condemned under said powers for the interest of the public of the City of Charlotte.

This the 22nd. day of May, 1940.

COMMITTEE APPOINTED TO ARRANGE FAREWELL PARTY FOR CITY MANAGER MARSHALL.

The Mayor appointed Fire Chief W. H. Palmer, Councilman H. H. Baxter and Mr. Richard L. Young, reporter for The Charlotte News, as a committee to arrange a farewell party for Mr. J. B. Marshall, City Manager, who is resigning on June 1st. This party will be held at the Palmer Fire School building on Monday, May 27th.

CEMETERY DEED.

On motion of Councilman Hovis, seconded by Councilman Little authority was given for the issuance of a deed to lot in Elmwood Cemetery as follows:

Mrs. Frank A. Owens, Lot No. 47, Section "Y" \$63.00

JUNIOR CHAMBER OF COMMERCE AND ALL WHO PARTICIPATED IN THE 20TH OF MAY CELEBRATION COMPLIMENTED.

On motion of Councilman Baxter, seconded by Councilman Wilkinson, the Junior Chamber of Commerce and all who participated in the work of the Festival celebrating the signing of the Mecklenburg Declaration of Independence, May 20th. thru 22nd., were commended for the splendid manner in which this celebration was handled and the appreciation of the City Council is extended to them.

ADJOURNMENT.

On motion of Councilman Ward, seconded by Councilman Huntley, the meeting adjourned.

*Alice B. McConnell*  
City Clerk