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SPCAY

A regular meeting of the City Council was held in the Council Chamber, City Hall, at 4 p.m., on Wednesday, August 20, 1947, with Mayor Baxter presiding, and Councilmen Albea, Childs, DeLaney, Jordan, Lambeth, and White present.

Absent: Councilman McKee.

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INVOCATION.

The invocation was given by the Reverend J. Clyde Yates, Pastor of the Allen Street Baptist Church.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman White, the minutes of the last meeting, on August 13th, were approved as submitted.

REQUEST FOR USE OF METERED PARKING SPACE NEAR LIBERTY LIFE BUILDING BY DR. RALPH REID.

Dr. Ralph Reid requested that provisions be made for his use of metered parking space near the Liberty Life Building without Police interference. He stated he practiced in Charlotte and Pineville, and was on the Memorial Hospital staff, and was in his office in the Liberty Life Building for one hour periods only.

Mayor Baxter advised Dr. Reid that many doctors in uptown buildings would like to enjoy the same privilege requested by him, which of course could not be permitted; however, as this was strictly a Police matter that he would be glad to discuss it with Chief Littlejohn.

REQUEST FOR SPECIAL OFFICERS AT HOUSE OF PRAYER.

Mr. Jake Nelson, who stated he was an Officer of the House of Prayer, requested that Special Police Officers be appointed to enforce order on the church premises during services.

Mayor Baxter advised him that the Chief of Police would be requested to assign sufficient regular Police Officers to provide the desired peace and order.

CITY MANAGER INSTRUCTED TO NEGOTIATE FOR PURCHASE OF WATER MAIN IN ATANDO ROAD FROM DIXIE TAG AND ENVELOPE COMPANY.

Mr. Robert Lassiter, Jr., Attorney representing the owners of the property leased to the A.B.C. Board on Atando Road, requested the City's assistance in securing water for the sprinkler system in the A.B.C. Warehouse from the main privately owned by the Dixie Tag and Envelope Company. He stated they had been unable to reach a satisfactory agreement in the matter with the owners of said main.

Mr. H. I. McDougale, Attorney for the owners of the main, stated the lack of agreement was due to the failure to agree upon the legal construction of the contract between the City and the Dixie Tag and Envelope Company; that the owners realized that water must be provided for the A.B.C. Warehouse and were desirous of cooperating with the owners of the Warehouse in securing the needed water. He suggested that a Board, composed of Attorneys, be appointed to arbitrate the matter and give the Council their legal interpretation of the language of the contract.

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Mayor Baxter inquired if the owners would sell the present water line to the City, in view of the fact that the City would take over the line when the city limits are extended in 1949. Mr. McDougle stated the owners would be willing to sell the line to the City, provided an agreement as to terms could be satisfactorily reached.

Councilman White moved that the matter be referred to the City Manager and he be instructed to make an offer to the present owners to purchase the line. Motion seconded by Councilman Jordan, and unanimously carried.

RESOLUTION AUTHORIZING AGREEMENT WITH UNION NATIONAL BANK TO ERECT MARBLE FRONT ON EAST 4TH STREET PASSED FIRST READING.

The following resolution, and agreement were presented and read:

RESOLUTION WITH REGARD TO ERECTING  
MARBLE FRONT ON EAST FOURTH STREET  
SIDE OF UNION NATIONAL BANK PROPERTY.

WHEREAS, The Union National Bank of Charlotte, located on the northeast corner of South Tryon and East Fourth Streets, desires to erect a marble veneer front on the side of its building on the northerly side of East Fourth Street.

NOW, THEREFORE, BE IT RESOLVED, that The Union National Bank of Charlotte be, and it hereby is, authorized and empowered to erect a marble veneer front on the side of its said building and extending on to the side-walk on the northerly side of East Fourth Street for a space of one inch from South Tryon Street back along Fourth Street for a distance of Seventy (70) feet more or less, and extending on the said side-walk for a space of two inches for a distance of Twenty-six and one-half ( $26\frac{1}{2}$ ) feet along said side-walk at the rear of said building, all in accordance with the plan proposed by William H. Peeps, Architect, dated August 6, 1947, attached to the agreement hereinafter referred to, provided said Bank enters into an agreement in accordance with the agreement hereto attached and spread upon the minutes of this meeting, and the Mayor and City Clerk are hereby authorized and empowered on behalf of the City to execute said agreement after same has been approved as to form by the City Attorney.

North Carolina  
Mecklenburg County

A G R E E M E N T

THIS AGREEMENT, Made and entered into this \_\_\_\_ day of August, 1947, by and between the City of Charlotte, a municipal corporation of the State of North Carolina (hereinafter referred to as the City) party of the one part, and The Union National Bank of Charlotte, a banking corporation organized under the laws of the United States of America with its principal office and place of business in the City of Charlotte, North Carolina, (hereinafter referred to as the Bank) party of the other part;

W I T N E S S E T H

The City Council of the City at two regular meetings duly passed a resolution as set forth in Minute Book \_\_\_\_\_ at pages \_\_\_\_\_ and \_\_\_\_\_, authorizing this agreement to be entered into granting a special privilege to the Bank to erect a marble veneer front on the side of its building on the northerly side of East Fourth Street extending in an easterly direction from South Tryon Street along the northerly side-walk of East Fourth Street for a space of one inch on said side-walk and for a distance of Seventy (70) feet more or less from South Tryon Street and extending on said side-walk for a space of two inches for a distance of Twenty-six and one-half ( $26\frac{1}{2}$ ) feet at the rear of said building, all in accordance with the plan of William H. Peeps, Architect, dated August 6, 1947, which plan is attached hereto and made a part hereof.

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This special privilege is granted upon the following conditions which are agreed to by the Bank as conditions precedent to the initial and continued exercise of such privilege:

1. The special privilege for the construction and maintenance of said marble veneer front shall be revocable at the will of the governing body of the City at any time, with or without any cause whatsoever, and in the event said special privilege is revoked then said marble veneer shall be removed from the side-walk promptly in accordance with the specifications of and in a manner satisfactory to the City, and said side-walk be restored in accordance with the specifications of and in a manner satisfactory to the City.

2. During the existence of the time said marble veneer remains upon said side-walk and until same is completely removed and the side-walk restored, in case of revocation of this special privilege as hereinabove provided, the bank agrees:

- (a) Continuously to indemnify and save harmless the City from any and all claims of any nature whatsoever due directly or indirectly to the Bank's use of said space over the side-walk, including, but not limited to, claims on account of injury to persons or property which may arise against the City, whether justified or unjustified and whether directly or indirectly due to the granting of this special privilege.
- (b) To indemnify and save harmless the City from any and all costs of investigating such claims and/or defending such claims in court or otherwise.
- (c) To furnish the City liability insurance in an amount of not less than \$50,000, protecting the City against liability to any persons or property on account of the erection and maintenance of said marble veneer front protruding upon the side-walk.

IN TESTIMONY WHEREOF, this instrument has been duly executed, the day and year first above written, by the parties hereto, and their seals here-  
to affixed.

THE CITY OF CHARLOTTE

BY \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

THE UNION NATIONAL BANK OF CHARLOTTE

BY \_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Secretary

APPROVED AS TO FORM:

John D. Shaw, City Attorney."

Upon motion of Councilman Childs, seconded by Councilman DeLaney, the resolution unanimously adopted on its first reading, and ordered presented at the next Council Meeting for the second and final reading.

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Councilman White moved that the matter be referred to the City Manager and he be instructed to make an offer to the present owners to purchase the line. Motion seconded by Councilman Jordan, and unanimously carried.

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#### CEMETERY DEEDS.

Upon motion of Councilman Lambeth, seconded by Councilman Albea, the Mayor and City Clerk were authorized to execute deeds to cemetery lots as follows:

- (a) To Mrs. Lois C. Green, Lot 60, Section 3, Evergreen Cemetery, at \$156.00.
- (b) Transfer to Mrs. Joseph E. Napier, from Mr. and Mrs. V. O. French, northwest quarter of Lot 43, in Section D-Annex, Elmwood Cemetery, at \$1.00.

#### INFORMAL OFFER TO PURCHASE LIBRARY PROPERTY.

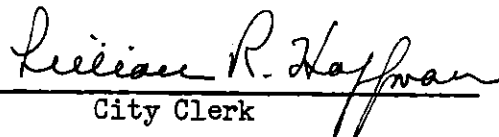
Mr. Frank Mones, Realtor, presented an informal proposal to purchase the Public Library property for \$200,000, and to deposit \$10,000.00 with the City on the date of purchase and to permit the Library to occupy the premises for a twelve months period from date of sale. He asked that serious consideration be given his offer.

#### CLAIM FOR PERSONAL INJURIES BY MRS. A. W. ELLIOTT.

The Acting City Manager presented a Notice of Claim on behalf of Mrs. A. W. Elliott, 536 Hawthorne Lane, conveyed to the City by Mr. Edward A. Morgan, Attorney, for personal injuries alleged to have been sustained from stepping into a hole in the sidewalk in front of 111 North Tryon Street, on June 5, 1947. The amount of the claim was for \$1,000.00. The claim was referred to the City Attorney for investigation and handling.

#### ADJOURNMENT.

Upon motion of Councilman Jordan, seconded by Councilman Albea, the meeting was adjourned.

  
City Clerk